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A compilation of laws and regulations pertaining to the provisions of education for exceptional children includes measures passed in the following areas: general provisions and organizational structure of the public school system; the educational program and personnel; property, transportation, and finance; and educational institutions, libraries, and miscellaneous provisions. Contents also include the provisions of government code relations, health and safety codes, and the welfare and institutions code; the California Administrative Code, Title 5, Education, and the California Administrative Code, Title 17, Public Health are also given. (WW)

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Laws and Regulations Relating to Education and Health Services for Exceptional Children in California

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CALIFORNIA STATE DEPARTMENT OF EDUCATION
Max Rafferty—Superintendent of Public Instruction
Sacramento 1969

Laws and Regulations Relating to Education and Health Services for Exceptional Children in California

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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PREFACE

This publication is a compilation of laws and regulations pertaining to the provisions of education for exceptional children. They are presented in this form primarily for convenient use and review by all persons directly responsible for the special education offered in the schools of California and by those who are especially interested in helping develop additional programs and in expanding existing programs as necessary to meet the needs of all exceptional children.

This compilation, which is up-to-date as of April 15, 1969, includes all measures passed at the 1968 sessions of the Legislature which pertain specifically to the education of exceptional children, as well as California Administrative Code, Title 5, provisions adopted by the California State Board of Education through January, 1969.

Senate Bill No. 1 of the 1968 General Session of the Legislature repealed and renumbered several sections of the 1967 edition of the Education Code pertaining to the special education responsibilities and authorizations of county superintendents of schools. Code sections involved are contained in Division 7, Article 1, sections 7501–9188 of the 1967 edition of the Education Code. As renumbered, they will be found in Education Code sections 885.9–895.10. In addition, certain sections of the California Administrative Code, Title 5, Education, relating to exceptional children do not conform fully to renumbered sections of the Education Code, but the California State Department of Education is attempting to correct these inconsistencies as rapidly as possible.

MAX RAFFERTY *Superintendent of* *Public Instruction*	CHARLES W. WATSON *Acting Chief, Division of* *Special Schools and Services*

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Education Code

Guidelines for Instruction of Mentally Retarded Minors

160. The Superintendent of Public Instruction shall recommend, and the State Board of Education shall adopt by September 1, 1967, general guidelines for use by school districts and county superintendents of schools in the development of curriculum and the adoption of courses of study for the special instruction of mentally retarded minors enrolled in public schools as defined by Sections 6902 and 6903 of this code. The Superintendent of Public Instruction is authorized to employ on a part-time basis curriculum specialists to assist in the development of such guidelines.

(Added by Stats. 1965, Ch. 1332)

Consultant Services for Hard of Hearing Children

264. The Director of Education shall provide consultant services in connection with the education of hard of hearing children in areas where said services are not available. The services shall be provided through an expert in the fields of organization and planning for the education of the hard of hearing who shall be employed for that purpose by the Director of Education.

Cross Reference: For determination and examination of children with impaired sense of hearing, see Health and Safety Code Sec. 252.5.

For employment of audiometrists for purpose of testing school children, see Health and Safety Code Sec. 1685.

Education of Handicapped Minors

821. The county superintendent of schools may contract with any other county superintendent of schools for the purpose of providing the educational services or conducting programs authorized for a county superintendent of schools for the education of educationally handicapped minors, physically handicapped minors, and mentally retarded minors. A contract entered into pursuant to this section shall be approved by each board of education of the counties involved before it may be given effect.

(Added by Stats. 1967, Ch. 206.)

Coordination of All Special Education Programs in County; Powers and Duties

885.9. The county superintendent of schools shall have primary responsibility for coordinating all special programs maintained by the office of the county superintendent and by the school districts under the jurisdiction of that office, for the education of physically handicapped minors as defined in

Article 1 (commencing with Section 6801) of Chapter 8 of Division 6, and mentally retarded minors as defined in Chapter 9 (commencing with Section 6901) of Division 6.

The county superintendent of schools shall undertake the necessary measures to ensure that every minor in the school district territory under his jurisdiction who is eligible to participate in any such special education program for physically handicapped minors or mentally retarded minors being provided in the territory, shall be afforded the opportunity to participate in an appropriate program.

The county superintendent of schools shall compile and maintain a tabulation of the number of all physically handicapped minors and mentally retarded minors enrolled in every category of the special education program in the school district territory under his jurisdiction and the schools in which such minors are enrolled.

The county superintendent of schools shall maintain a current list of all physically handicapped minors and mentally retarded minors who have applied for but have been denied access to each category of the special education program in the school district territory under his jurisdiction.

It shall be the responsibility of the county superintendent of schools to render consultative and coordinative services to school districts under his jurisdiction maintaining special education programs for physically handicapped minors and mentally retarded minors, and to marshall and utilize, to the extent permitted by law, all private as well as public resources and services available to provide education and training for physically handicapped and mentally retarded minors.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Establishment of Programs for Physically Handicapped Minors

894. The county superintendent of schools shall establish and maintain programs for physically handicapped minors who come within the provisions of Section 6801 or 6802, including cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

The county superintendent of schools may establish and maintain programs for the physically handicapped minors who come within the provisions of Section 6801 or 6802 and who reside in any district within the county with the approval of the county board of education and the agreement of the local governing board of the school district. Such programs may be carried out in accordance with subdivisions (a), (c), (g), and (h).

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped minors within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8.000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped minors residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped minors.

(Added by Stats 1968, Ch. 182; amended by Stats. 1968, Ch. 600. See note following Section 171.)

Agreements for Provision of Remedial Classes

894.1. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the education in remedial classes of physically handicapped pupils who are excused from regular classes for a portion of a class period. The cost of the education to the school district shall not exceed the actual cost thereof to the county superintendent of schools.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Reports on Education of Physically Handicapped

894.2. Each county superintendent of schools providing for the education of physically handicapped children pursuant to this article shall report annually to the Superintendent of Public Instruction on forms provided by him the total average daily attendance of physically handicapped pupils by types of instruction provided, the cost of educating the pupils, and such other information as may be required, for each elementary and high school district in which the education is provided.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Determination of Allowances

894.3. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of physically handicapped minors.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Computation of Average Daily Attendance at Elementary Schools

894.4. For purposes of Section 894, the average daily attendance of the elementary schools of the district shall be computed by excluding the average daily attendance of pupils attending the seventh and eighth grades of a junior high school maintained by a high school district.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Provisions for Schools or Classes for Mentally Retarded Minors

895. (a) The county superintendent of schools shall establish and maintain special training schools or classes for memtally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. The schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of the minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of the minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of the minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17655.5 and 17664 shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded minors, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903 and agree with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such minors residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

(Added by Stats. 1968, Ch. 182; amended by Stats. 1968, Ch. 600. See note following Section 171.)

Computation of Average Daily Attendance

895.1. For purposes of Section 895 the average daily attendance of the elementary schools of the district shall be computed by excluding the average daily attendance of pupils attending the seventh and eighth grades of a junior high school maintained by a high school district.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Payments to Parents for Food and Lodging in Lieu of Providing Transportation

895.2. In lieu of providing transportation to special training schools or classes maintained by a county superintendent of schools for mentally retarded minors who come within the provisions of Section 6903 and who reside in elementary or unified school districts which have an average daily attendance of less than 8,000, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardians of any such mentally retarded minor the cost of food and lodging for the minor at a place convenient to a special training school or class maintained by the county superintendent, by the governing board of a school district within the county, or by a county superintendent of another county.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Limit on Admissions

895.3. Each county superintendent of schools maintaining special training schools or classes for mentally retarded minors pursuant to subdivision (c) of Section 895 may limit the number of minors to be admitted to such schools or classes. Any minor who becomes 21 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time the school or class is maintained during the then current school year.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Contracts for Transportation to Special Schools and Classes

895.4. Any county superintendent of schools otherwise required or authorized to maintain special training schools and classes under Section 895 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes maintained by a school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under this article, subject to such terms and conditions as may be agreed upon. The agreement shall be approved by the county board of education.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Transportation to Special Schools and Classes by District or County Superintendent

895.5. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is provided under Section 6910 or 895.4, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Certification of Funds Required

895.6. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools (1) the total of any balances remaining to be expended for this purpose, and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded minors who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school district which had during the preceding fiscal year not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

(Added by Stats. 1968, Ch. 182; amended by Stats. 1968, Ch. 600. See note following Section 171.)

County Tax

895.7. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training schools or classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded minors and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded minors who come within the provisions of Section 6903 and any school district with an elementary or high school average daily attendance of more than 8,000 for which the county superintendent maintains such class upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

(Added by Stats. 1968, Ch. 182; amended by Stats. 1968, Ch. 600. See note following Section 171.)

County Tax for Education of Physically Handicapped Minors

895.8. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped minors who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such minors.

The county superintendent of schools, when actually maintaining schools or classes for handicapped minors for districts with an average daily attendance in excess of 8,000 in the elementary or secondary schools of the district when such education is by agreement of the governing board of such school district, shall with the approval of the county board of education certify to the county auditor and the county board of supervisors on or before July 15th of each year the amount of money required to be raised by tax for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 under the same conditions and circumstances as an amount of money is certified and the tax levied for districts with less than 8,000 average daily attendance in the elementary or secondary schools of the district for the education of such physically handicapped minors, but such tax in districts of more than 8,000 average daily attendance shall not include any amount for the education of physically handicapped minors actually conducted by the local school district or for contract services of such education by another school district.

The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped minors and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 upon the taxable property in such districts sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

(Added by Stats. 1968, Ch. 182; amended by Stats. 1968, Ch. 600. See note following Section 171.)

Partial Reduction of Allowances to County School Service Fund

895.9. (a) The Superintendent of Public Instruction shall reduce the allowances to county school service funds to be made in a fiscal year under Section 18355 by an amount determined by: (1) multiplying sixty cents ($0.60) by each one hundred dollars ($100) of the total assessed valuation of all the elementary or unified school districts for whom the county superintendent of schools maintains schools or classes in grades kindergarten through eight, inclusive, pursuant to Section 894; (2) dividing the product so derived by the total average daily attendance of pupils included in the foundation program computed for the districts for pupils in grades kindergarten through eight, inclusive, in the elementary or unified school districts for whom the county superintendent of schools maintains schools or classes in grades kindergarten through eight, inclusive, pursuant to Section 894; and (3) multiplying the quotient so derived by the average daily attendance of pupils attending the special schools or classes maintained by the county superintendent of schools in grades kindergarten through eight, inclusive, pursuant to Section 894.

(b) The Superintendent of Public Instruction shall reduce the allowances to county school service funds to be made in a fiscal year under Section 18358 by an amount determined by: (1) multiplying fifty cents ($0.50) by each one hundred dollars ($100) of the total assessed valuation of all the high school or unified school districts for which the county superintendent of schools maintains schools or classes in grades 9 through 12, inclusive, pursuant to Section 894; (2) dividing the product so derived by the total average daily attendance of pupils included in the foundation program computed for the districts for pupils in grades 9 through 12, inclusive, in the high school or unified school districts for whom the county superintendent of schools maintains schools or classes in grades 9 through 12, inclusive, pursuant to Section 894; and (3) multiplying the quotient so derived by the average daily attendance of pupils attending the special schools or classes maintained by the county superintendent of schools in grades 9 through 12, inclusive, pursuant to Section 894.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Determination of Allowances

895.10. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes for education of mentally retarded minors.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Laboratory Classes for Exceptional Children

1064.1. The governing board of any school district required or authorized to maintain special training schools or classes for exceptional minors may, with the approval of the county superintendent of schools, contract with any state college situated within the boundaries of the county within which the school district is located, upon such terms and conditions as may be agreed upon, to provide for the education of such minors in, and for the transportation of such minors to, the laboratory classes for exceptional children established and maintained within or without the boundaries of the school district by or in conjunction with such state college pursuant to Chapter 10 (commencing with Section 24351). As used in this section, "exceptional children" means physically handicapped minors, mentally retarded minors, or educationally handicapped minors required or allowed to be educated pursuant to Chapter 7.1 (commencing with Section 6750), Chapter 8 (commencing with Section 6801), and Chapter 9 (commencing with Section 6901) of Division 6 of this code.

(Added by Stats. 1968, Ch. 834. Effective July 31, 1968.)

Powers of Governing Board

5746. The governing board of any school district maintaining secondary schools shall have the power, with the approval of the State Department of Education, to establish special classes for adults designed to serve the educational needs of handicapped adults. Such classes shall be directed to providing instruction in civic, vocational, literary, homemaking, technical, and general education.

(Added by Stats. 1965, Ch. 842.)

Public School or Nonprofit Organization Facilities

5747. Special classes for handicapped adults may be conducted under the direction of the governing board of the school district in workshop and training facilities provided by nonprofit organizations, or in public school facilities.

(Added by Stats. 1965, Ch. 842.)

5751–5752. (See Ch. 6, Art. 1.)

Orientation Center for the Blind

6201. The Department of Rehabilitation may establish orientation centers for the blind in such locations as may be deemed necessary to provide on a statewide basis the services to be rendered by orientation centers as provided in this article. Such orientation centers as may be established shall be under the jurisdiction and supervision of the Department of Rehabilitation, and shall be administered by the Director of

Rehabilitation in accordance with the provisions of this article. The department shall make and promulgate such rules and regulations as are necessary for the administration of such orientation centers in accordance with the provisions of this article.

(Amended by Stats. 1961, Ch. 2129, and by Stats. 1965, Ch. 1697.)

Cross Reference: For revolving funds of state institutions for the blind, see Welfare and Institutions Code Sec. 18800.

For state purchase of blind-made products, see Welfare and Institutions Code Sec. 18851.

Nature of Orientation Centers and Qualifications for Admission

6202. Each orientation center established under Sections 6201 to 6208, inclusive, shall be residential in character. Blind persons shall be admitted as residents and trainees in an intensive program designed for maximum vocational and personal rehabilitation and for the preparation of blind persons for useful and remunerative work in trades, professions, private business, private industry, or public service. A person shall be considered blind who has 20/200 or less visual acuity in the better eye with correction, as measured by the Snellen test, or who has such limitation of field or other defect as to render him incapable of obtaining an education or making a living with ordinary visual proficiency.

6203. (Repealed by Stats. 1961, Ch. 2129.)

Program of Orientation Centers

6204. Orientation centers shall provide for short periods of intensive personal and prevocational orientation for blind persons, and for specific vocational training. The program of orientation centers shall include such training as techniques of daily living, techniques of travel, physical conditioning, sensory training, instruction in Braille, instruction in skills for the handicapped, typing, and business principles and methods, and shall provide for social and vocational diagnostic testing and individual counseling.

(Amended by Stats. 1965, Ch. 1697.)

Director

6205. For each orientation center for the blind the Director of Rehabilitation shall appoint a director who shall administer and supervise the institutional and educational aspects of the program at the center in accordance with the provisions of this article, and under the supervision of the Director of Rehabilitation. The director of each orientation center for the blind shall be either (1) a visually handicapped person who has been employed for at least five years in the education or rehabilitation of the blind, or (2) a sighted or visually handicapped person who has completed four years of college education and at least three years of successful experience in the rehabilitation of the blind, or (3) a veteran, blinded in war, who has completed a special training course in orientation under the direction of the armed services or the Veterans Administration and 30 semester hours of college work in the fields of education or psychology, or both, or (4) a person with comparable qualifications as determined by the Director of Rehabilitation with the approval of the State Personnel Board.

(Amended by Stats. 1961, Ch. 2129, and by Stats. 1965, Ch. 1697.)

Staff Composition and Qualifications

6206. The staff of an orientation center shall be composed of persons trained to assist blind persons in achieving social and economic independence, and whose qualifications include successful experience in teaching blind persons. The staff shall include as large a proportion as is practicable of visually handicapped persons who have achieved outstanding success in adjustment to their handicap.

Operation and Co-ordination as Separate Units

6207. Each orientation center shall be operated as a unit separate and apart from any state-operated workshop for the blind. The program of each orientation center shall be closely coordinated with the services of the Division of Vocational Rehabilitation, with the home teacher and field service program, and with programs for training teachers and other personnel directed toward serving the blind.

(Amended by Stats. 1965, Ch. 1697.)

Rules for Government and Direction

6208. The department may:

(a) Make rules for the government and direction of orientation centers established under this article, and may prescribe conditions for the admission and discharge of trainees having regard to an equitable representation from each county of the state.

(b) Designate the subjects which shall be regularly taught and the training which shall be given.

(Amended by Stats. 1961, Ch. 2129, and by Stats. 1965, Ch. 1697.)

Appointment of Home Teacher-counselors

6209. The Department of Education may appoint home teacher-counselors to provide individual guidance and training to the adult blind of the State in their homes. Such home teacher-counselors shall give individual instruction in those techniques which will enable the blind to adjust to daily living in the home and in the community. They shall teach the blind reading and writing of Braille, typing, travel techniques, household arts and crafts in accordance with the needs of the blind, and give them such other instruction as may enhance their opportunities for personal rehabilitation. This program shall be closely co-ordinated with vocational rehabilitation services for the blind, the Orientation Center for the Blind and opportunity work centers for the blind.

(Amended by Stats. 1959, Ch. 484.)

6210. (Repealed by Stats. 1959, Ch. 1624.)

6211. (Repealed by Stats. 1959, Ch. 1624.)

"Mentally Gifted Minor," "Program" and "Participating Pupil" Defined

6421. (a) "Mentally gifted minor," as used in this article, means a minor enrolled in a public primary or secondary school of this state who demonstrates such general intellectual capacity as to place him within the top 2 percent of all students having achieved his school grade throughout the state or who is otherwise identified as having such general intellectual capacity but for reasons associated with cultural disadvantages has underachieved scholastically.

(b) "Program" means a special educational program for mentally gifted children, including the identification of such children, which meets the standards established pursuant to this article and which is approved by the Superintendent of Public Instruction.

(c) "Participating pupil" means a pupil identified as a mentally gifted minor who for a school semester or a school year takes part in a program.

(Added by Stats. 1961, Ch. 883; amended by Stats. 1968, Ch. 1339.)

Note: Stats. 1968, Ch. 1339, also contained the following provision:

SEC. 5. The Department of Education shall provide to the Legislature, on or before the fifth legislative day of the 1969 Regular Session, a preliminary report detailing the criteria to be utilized for identifying culturally disadvantaged pupils pursuant to this act.

The department shall provide the Legislature, on or before November 1, 1970, with a final report regarding pupils identified pursuant to this act, including, but not limited to:

1. The number of pupils so identified during the 1969–1970 school year.
2. The districts which provided services to mentally gifted but culturally disadvantaged pupils.

Evidence of General Intellectual Ability

6422. For the purposes of this article, the general intellectual ability of a minor shall be evidenced by one or more of the following factors:

(a) Achievement in schoolwork.

(b) Scores on tests measuring intellectual ability and aptitude.

(c) The judgments of teachers and school administrators and supervisors who are familiar with the demonstrated ability of the minor.

The general intellectual ability of a minor determined to be culturally disadvantaged shall be evidenced by criteria developed for such purpose by the State Board of Education. In no event shall the general intellectual ability of a minor determined to be culturally disadvantaged be evidenced solely by the criterion of subdivision (b).

(Added by Stats. 1961, Ch. 883; amended by Stats. 1968, Ch. 1339. See note following Section 6421.)

Providing of Programs for Mentally Gifted Children

6423. The governing board of any school district may provide programs for mentally gifted minors living in the district who are enrolled in kindergarten or grades 1 through 12 in the schools of the district and who may be expected to benefit from a program suited to their abilities. The governing board, subject to such terms and conditions as may be agreed upon, may contract with another school district for furnishing programs for such minors or may so contract for the education of such minors including the furnishing of such programs.

The county superintendent may, with the approval of the county board of education, provide programs under the provisions of this article, and transportation therefor, for mentally gifted minors who reside in any school district which has an average daily attendance of less than 901 in the schools of the district. For such purposes the terms "school district" and "governing board of a school district," as used in this article, shall be deemed to include the county superintendent of schools.

(Added by Stats. 1961, Ch. 883; amended by Stats. 1968, Ch. 1419.)

Nature of Program

6423.1. The governing board of any school district which provides a program for mentally gifted minors in accordance with Section 6423, may:

(a) Conduct programs, seminars and classes for mentally gifted minors, as defined in Section 6421, within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from such places where such programs and classes are being conducted, whether within or without the district, but such transportation shall be within the State and not in excess of a radius of 110 miles from the school or schools of the district.

(c) For such purposes use such district facilities as are authorized under Article 3 (commencing with Section 7951) Chapter 3, Division 7 of this code for outdoor science and conservation education.

Attendance of pupils at such programs, seminars, and classes shall be included in computing attendance and average daily attendance of the district for the purposes of apportionments from the State School Fund, including apportionments to reimburse the district for the excess expense incurred by the district in furnishing programs for mentally gifted minors pursuant to this article, and costs incurred by the district pursuant to this section shall be included in the computation of such excess expense incurred by the district.

(Added by Stats. 1963, Ch. 1279.)

Authority to Enter Into Agreements for Conducting Services and Programs

6424. The governing board of a school district, in providing programs under this article, may enter into agreements with a county superintendent of schools for those appropriate services to districts authorized in Chapter 6 of Division 7 of **this code and for conducting programs for gifted minors enrolled in the schools of the district.**

(Added by Stats. 1961, Ch. 883.)

Limitation of Reimbursement

6426. The Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district an amount equal to the total excess expense incurred by the school district in providing a program, except that the amount apportioned shall not exceed forty dollars ($40) for each pupil participating in the program for one school year.

Apportionments made during a fiscal year pursuant to this section shall not be made on account of more than 2 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergarten, and grades 1 through 12 in all of the schools and classes maintained by school districts and county superintendents of schools.

(Added by Stats. 1961, Ch. 883; amended by Stats. 1963 (1st Ex. Sess.), Ch. 14, and by Stats. 1967, Ch. 1209. Effective August 15, 1967. See note following Section 3100.)

Note: The amendment of Section 6426 by Stats. 1967, Ch. 1209, was made operative only for the 1967–1968 fiscal year. Section 6426, as so amended and operative for the 1967–1968 fiscal year, reads:

6426. The Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district an amount equal to sixty dollars ($60) for each pupil participating in the program for one school year, and forty dollars ($40) for each pupil identified as a mentally gifted minor.

Apportionments made during a fiscal year pursuant to this section shall not be made on account of more than 3 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergarten, and grades 1 through 12 in all of the schools and classes maintained by school districts and county superintendents of schools.

6427. (Added by Stats. 1961, Ch. 883; repealed by Stats. 1963 (1st Ex. Sess.), Ch. 14.)

Advance Apportionment

6428. Whenever any school district proposes to provide a program, the governing board of the school district may apply to the Superintendent of Public Instruction for an advance apportionment for the purpose of defraying expenses incident to the initiation of a program including the identification of minors eligible to participate in the program. The application shall be made prior to August 15 of a school year in the form and manner prescribed by the State Superintendent of Public Instruction and shall include an estimate of the number of participating pupils for that school year. The Superintendent of Public Instruction, if he approves, shall apportion on or

before September 15 to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount not to exceed forty dollars ($40) for each estimated participating pupil.

(Added by Stats. 1961, Ch. 883.)

Abstract of Advance Apportionments to Be Presented to State Controller

6429. **The Superintendent of Public Instruction shall furnish an abstract of all advance apportionments made to school districts of any county under Section 6428 to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the districts of the county.**

(Added by Stats. 1961, Ch. 883.)

Credit to School District General Fund

6430. **All moneys received by the treasurer of a county under Section 6428 shall be credited by the treasurer to the general fund of the school district of the county exactly as apportioned by the Superintendent of Public Instruction.**

(Added by Stats. 1961, Ch. 883.)

Deduction From Apportionment

6431. **During the next two fiscal years after the fiscal year in which such apportionment is advanced to a school district under Section 6428, the State Controller shall deduct from apportionments made to each such school district from the State School Fund an amount equal to the amount apportioned to such district under Section 6428 and pay the same into the State General Fund.**

(Added by Stats. 1961, Ch. 883.)

Rules and Regulations as to Identification of, and Minimum Standards for, Gifted Minors

6432. **The State Board of Education shall adopt rules and regulations which:**

(a) Prescribe the procedures, consistent with this article, by which a district shall identify pupils as mentally gifted minors for the purposes of this article.

(b) Establish minimum standards for programs.

(c) Investigate and establish separate criteria by which a district may identify culturally disadvantaged pupils as mentally gifted minors for the purposes of this article.

(Added by Stats. 1961, Ch. 883; amended by Stats. 1968, Ch. 1339. See note following Section 6421.)

Duties of Superintendent of Public Instruction

6433. The Superintendent of Public Instruction shall adopt rules and regulations which for the purposes of this article:

(a) Define "excess expense."

(b) Prescribe the form and manner of application for an advance apportionment.

(c) Prescribe the form and manner of application for reimbursement of excess expense.

(Added by Stats. 1961, Ch. 883.)

Supervision and Consultant Service

6434. The State Board of Education shall establish in the Department of Education a supervision and consultant service to assist and advise school districts in the establishment, development, and improvement of programs, and shall employ the necessary personnel who shall devote their entire time to the provision of such service.

(Added by Stats. 1961, Ch. 883.)

Pilot Programs for Identification of Mentally Gifted Minors; Development

6499.21. The State Board of Education shall, provided that federal funds are available for the purpose or funds have been appropriated therefor by the Legislature, approve and provide for the establishment of not to exceed 20 pilot programs directed to developing methods and techniques for identification of mentally gifted children within the educationally handicapped and culturally deprived elements of the school-age population, and improving the academic performance of such children.

The programs shall be conducted in selected school districts, including districts in both urban and rural areas, and districts of varying sizes. The programs shall be established and conducted over a period of three consecutive fiscal years, commencing with the 1968–1969 fiscal year, and shall, under the direction of the Director of Compensatory Education and subject to all other provisions of this chapter not inconsistent with this article, be coordinated with and considered an integral part of any other programs of compensatory education being conducted pursuant to this chapter.

(Added by Stats. 1968, Ch. 1230.)

Purposes of Programs

6499.22. Programs established under this article shall have the following essential purposes:

(a) To develop instrumentalities, techniques, and procedures for identifying mentally gifted children and assessing their intellectual potential. The procedure for identifying gifted disadvantaged minors shall not be limited to testing programs, but shall include other suitable methods.

(b) To devise procedures, methods, and programs, whether innovative, experimental, or otherwise, to raise the aspirations and the level of academic achievement of disadvantaged minors who are identified as gifted.

(c) To augment the resources and effectiveness of established compensatory education programs and related educational undertakings.

(Added by Stats. 1968, Ch. 1230.)

Individual Problems and Needs

6499.23. Upon the identification and selection of gifted disadvantaged minors for participation in programs under this article, the particular problems and needs of the individuals shall be ascertained.

(Added by Stats. 1968, Ch. 1230.)

Scope of Programs

6499.24. The programs to be provided for gifted disadvantaged minors shall be directed to the problems and needs of the minors, and shall include group activities of an instructive and educational nature; enriched curriculum and instruction, including new approaches to language development, reading, science, mathematics, and other academic subjects; parental participation or involvement; field trips; and auxiliary services, including guidance, counseling and health services. Experimentation in grouping of pupils, as means of enhancing the effectiveness of the programs, may be undertaken in connection with any or all of the program activities.

(Added by Stats. 1968, Ch. 1230.)

In-Service Education and Training of Personnel

6499.25. In-service education and training of instructional and staff personnel shall be an integral element of programs established under this article.

The assistance and participation of public and private institutions of higher education shall be secured to the extent practicable.

The Director of Compensatory Education shall require the submission, by the governing boards of the school districts in which programs under this article are established, of periodic reports concerning the nature and scope of the programs and evaluating their effectiveness. He shall direct the continuing review and evaluation of the programs.

(Added by Stats. 1968, Ch. 1230.)

Application for Funds

6499.26. The governing board of a school district, in any application for available federal and state funds submitted for purposes of this chapter, may include a request for funds for purposes of a program established pursuant to this article.

(Added by Stats. 1968, Ch. 1230.)

Report

6499.27. On or before the 10th legislative day of the 1970, 1971, and 1972 Regular Sessions of the Legislature, the Department of Education shall submit to each house thereof a report concerning the pilot programs established pursuant to this article, and the effectiveness thereof.

(Added by Stats. 1968, Ch. 1230.)

Definition

6750. As used in this chapter, "educationally handicapped minors" are minors, other than physically handicapped minors (as defined in Sections 6801 and 6802 of this code) or mentally retarded minors (as defined in Section 6901, 6902 and 6903 of this code) who, by reason of marked learning or behavioral problems or a combination thereof, cannot receive the reasonable benefit of ordinary education facilities.

(Added by Stats. 1963, Ch. 2165.)

Special Educational Programs; Application of Foundation Program

6751. The governing board of any school district may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivision (a), (c), or (d), or any combination thereof. Whenever a special educational program for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special education program. Such programs shall be provided in accordance with standards for each approved by the State Board of Education. The special educational programs for educationally handicapped minors are:

(a) Special classes (elementary and secondary). Under this program educationally handicapped pupils unable to function in a regular class are assigned to a special class. The special class shall be maintained for a minimum schoolday. In this program fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group instruction given by a special teacher. Whenever two to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group conducted by a school district or county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program specialized consultation is provided teachers, counselors and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital or in a regularly established nonprofit, tax-exempt, licensed children's institution.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1965, Ch. 1176, and by Stats. 1967, Ch. 1647 and Ch. 1653.)

Limitation on Enrollment

6752. A school district maintaining special educational programs for educationally handicapped minors shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils enrolled at the end of the first school month and the sixth school month of the school year.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1967, Ch. 225 and Ch. 1647.)

Agreement With County Superintendent to Provide Special Educational Programs

6753. The governing board of a school district which has an average daily attendance of less than 901 in the elementary schools of the district or less than 901 in the high schools of the district may enter into agreement with the county superintendent of schools to provide special educational programs for educationally handicapped minors. The governing board of a school district may enter into agreements with the governing boards of other school districts for the education of educationally handicapped minors. The district of residence having pupils receiving special education under the provisions of this section shall pay all current expenses entailed in providing such special education which are over and above all state apportionments made to the county superintendent or school district providing the program.

(Added by Stats. 1963, Ch. 2165.)

Notice and Information to Superintendent of Public Instruction

6754. Before initiating any program for educationally handicapped minors the governing board of a school district or county superintendent of schools shall notify the Superintendent of Public Instruction of its intention to do so and shall furnish such relevant information with respect to such proposed special education programs as may be required by the Superintendent of Public Instruction. Such notice and such information shall be on forms provided by the Superintendent of Public Instruction.

(Added by Stats. 1963, Ch. 2165.)

Parents' Consent; Admission on Individual Evaluation

6755. (a) No minor shall be required to participate in a program for educationally handicapped minors unless the parent or guardian of the minor files prior written consent to such participation with the governing board of the school district.

(b) Admission of educationally handicapped minors to programs established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon the recommendation of an admissions committee which shall include a teacher, a school nurse or social worker, a school psychologist or other pupil personnel worker authorized to serve as a school psychologist, a principal or supervisor and a licensed physician.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1967, Ch. 1647.)

Standards for Individual Identification and Evaluation; Advisory Committee

6756. The State Board of Education shall adopt rules and regulations which shall prescribe standards for the individual identification and evaluation of educationally handicapped minors and their admission to special education programs for educationally handicapped minors. In arriving at such standards the State Board of Education shall receive assistance from an advisory committee consisting of one member from the State Department of Education, one member from the State Department of Mental Hygiene and one member from the State Department of Public Health, such members to be appointed by the heads of the respective departments named. In addition, such advisory committee may consist of such additional members as are appointed by the State Board of Education.

(Added by Stats. 1963, Ch. 2165.)

Standards for Special Educational Programs

6757. The State Board of Education shall adopt rules and regulations which shall prescribe standards for special educational programs for educationally handicapped minors which shall include, but need not be limited to, enrollment limits, curriculum content and teacher qualifications for each type of program authorized pursuant to this chapter, and provisions for periodic examination, re-evaluation, transfer and discharge of educationally handicapped minors participating in special educational programs maintained under the provisions of this chapter.

(Added by Stats. 1963, Ch. 2165.)

Testing or Screening of Pupils

6758. The testing or screening of all pupils in a particular grade, school or district, shall not be a condition of eligibility for apportionment under the provisions of Section 18102. In the event the governing board of a school district elects to do such testing or screening, only such tests or screening procedures as are approved by the State Board of Education for this purpose shall be used. School districts intending to do such testing or screening shall give written notice to the parents or guardians of the pupils concerned at least 15 days prior to such testing or screening and shall provide copies of any written instruments to be used for such testing or screening in the office of the principal of the school the pupils attend for examination by such parents or guardians. No minor shall be required to participate in such screening or testing unless the parent or guardian files prior written consent to such participation with the governing board of such school district.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1968, Ch. 1166.)

Supervisory and Consultative Services

6759. The Superintendent of Public Instruction shall establish supervisory and consultative services for programs for educationally handicapped minors and shall employ personnel who shall devote their entire time to the provision of such services.

(Added by Stats. 1963, Ch. 2165.)

6760. (Added by Stats. 1963, Ch. 2165; repealed by Stats. Ch. 1209. Effective August 15, 1967. See note following Sec-Section 3100.)

Duties of Superintendent of Public Instruction

6761. The Superintendent of Public Instruction shall:

(a) Prescribe the form and manner of notification of intention to initiate a program.

(b) Prescribe the procedures for qualifying for allowances for special day classes, and for authorized instruction in other than special day classes of educationally handicapped minors.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1967, Ch. 1209, and by Stats. 1968, Ch. 928.)

6762. (Added by Stats. 1963, Ch. 2165; repealed by Stats. 1968, Ch. 928.)

Citation of Chapter

6763. This chapter may be cited as "The Waldie Act."
(Added by Stats. 1965, Ch. 1176.)

Authority to Make Special Provisions; "Physically Handicapped Minor" Defined

6801. Subject to the provisions of this article (commencing at Section 6801) and Section 8901 the governing board of any school district may make such special provisions as in its judgment may be necessary for the education of physically handicapped minors. "Physically handicapped minor," as used in this article (commencing at Section 6801) means a physically defective or handicapped person under the age of 21 years who is in need of education.
(Amended by Stats. 1965, Ch. 1914.)

Minors Considered Physically Handicapped

6802. Any minor who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual for the purposes of this chapter (commencing at Section 6801). Minors with speech disorders or defects shall be considered as being physically handicapped. Minors with physical illnesses or physical conditions which make attendance in regular day classes impossible or inadvisable shall be considered as being physically handicapped.
(Amended by Stats. 1967. Ch. 1580.)

6802.5. (Added by Stats. 1963, Ch. 2007. Effective until 91st day after final adjournment of 1965 Regular Session. Repealed by Stats. 1968, Ch. 217.)

Special Instruction in Public Schools and Employment of Personnel

6803. The Superintendent of Public Instruction shall promote and direct special instruction in the public schools for physically handicapped minors. He may employ such professional and other personnel as are necessary for this purpose, and may perform such other duties as are necessary to give full effect to this article (commencing at Section 6801).

Cross Reference: For duty of Director of Education to provide consultant services for hard of hearing children, see Sec. 264.

Prescription of Minimum Standards for Special Education; Effect of Failure to Comply

6804. The State Department of Education may prescribe minimum standards for the special education of physically handicapped minors. No apportionment of state funds shall be made by the Superintendent of Public Instruction to any school district on account of the instruction of physically handicapped minors unless the standards prescribed for the instruction are complied with.

Cross Reference: For size of classes allowed, see 5 California Administrative Code Secs. 191.5.

Residency for Furnishing of Education

6805. Any school district furnishing education to physically handicapped minors pursuant to this article (commencing with Section 6801) shall furnish such education to all such handicapped minors actually living within the district five or more days a week, although their legal residence may be outside the district.

Contracts With Other Districts or County Superintendent of Schools for Education

6806. Subject to the provisions of Section 8901 any school district which does not maintain facilities for the education of physically handicapped minors shall enter into a contract with a school district in the same county, or a county superintendent of schools maintaining such facilities. If there is no district in the same county or county superintendent of schools maintaining such facilities, the governing board of the school district shall enter into a contract with a school district maintaining such facilities in any other county. If the governing board of the district should determine the same to be more economical and practical, it may enter into a contract with a school district situated in another county, in lieu of entering into a contract with the county superintendent of schools or a school district in the county in which such district is situated.

If any question arises concerning the adequacy of the facilities provided for the education of physically handicapped minors by the school district in which the child is actually living, the parent or guardian of such child may appeal to the county superintendent of schools, and if the county superintendent of schools determines that the facilities offered are inadequate, he shall order the school district in which the child is actually living either to provide the facilities or enter into a contract with a school district maintaining adequate facilities.

Such contract shall provide for the payment of the cost of tuition by the district in which the physically handicapped minor actually lives and may provide for payment of the cost of the use of the buildings and equipment. The cost of tuition shall not be greater than the difference between current expenditures per unit of average daily attendance, including transportation, for the education of a pupil in the particular category of physically handicapped minors to which the pupil belongs and the apportionment of state funds for the education of physically handicapped minors in that category.

The amount shall be determined not later than the last Monday in December and the last Monday in May of each year by the county superintendent of schools of the county in which the child attends schools and certified to the superintendent of schools having jurisdiction over the schools of the school district in which the child actually lives. The amount shall be forthwith paid from any funds of the school district available for that purpose.

(Amended by Stats. 1959, Ch. 320, by Stats. 1965, Ch. 1914, and by Stats. 1968, Ch. 1335. Effective August 14, 1968.)

Cross Reference: For provisions relating to education of physically handicapped, see Sec. 8901 et seq.

Regulations to Categorize Pupils Into Elementary and Secondary Grades

6806.1. The Superintendent of Public Instruction shall adopt regulations (a) to prescribe the conditions under which the education of physically handicapped minors shall be the responsibility of either the elementary schools or the high schools maintained by school districts, and (b) to determine when such pupils who are in classes maintained by a school district, or a county superintendent of schools, shall be designated in elementary or secondary grades for attendance and state apportionment purposes.

(Added by Stats. 1965, Ch. 438.)

Transportation of Pupils

6807. Subject to the provisions of Section 8901 the governing board of a school district may provide for the transportation of pupils assigned to special schools or classes for physically handicapped pupils, and shall provide transportation for those pupils whose physical handicaps prevent their walking to school.

(Amended by Stats. 1965, Ch. 1914.)

Cross Reference: For computation of allowances to school districts for transportation of handicapped pupils, see Sec. 18060.

For specific provisions relating to transportation, see 5 California Administrative Code Secs. 1201, 1207.

Transportation of Minor

6808. Subject to the provisions of Section 8901 the governing board of the school district in which any physically handicapped minor is actually living, although the residence of his parents or guardian is outside the district, shall provide for the transportation of such minor to the school at which education is furnished, if his handicap prevents his walking to school or if the distance is greater than one mile, regardless of whether such education is furnished within or without the district.

(Amended by Stats. 1965, Ch. 1914.)

Minimum Age of Admission; Special Provisions for Minors 3 to 8

6809. Physically handicapped minors may be admitted at the age of three years to special schools or classes established for such minors.

When the school district of residence of a minor between the ages of three and eight years who is deaf, blind, cerebral palsied, orthopedically handicapped, or aphasic does not maintain a special class in the category of the minor's handicapping condition, but such a special class or special school is maintained by the county superintendent of schools or by another school district, such a minor shall be admitted to a special school or special class so maintained when all of the following circumstances exist:

(a) The minor is eligible for enrollment under the regulations of the county superintendent or the governing body of the district maintaining such special class, as applicable.

(b) The governing board of the district or the county superintendent maintaining the special day class is willing to admit the minor.

(c) The parents of the minor file a written request that the minor be so admitted and a physician's statement that the minor is physically able to attend such a class. Such request and statement shall be filed with the district superintendent of schools when the class is maintained by a school district or with the county superintendent of schools when the class is maintained by the latter.

If a minor is admitted pursuant to this section, the district of the pupil's residence shall enter into a contract as provided by Section 6806, and the provisions of Section 6806 with respect to payment of cost of tuition and the cost of buildings and equipment shall apply.

(Amended by Stats. 1965, Ch. 932.)

Employment of Personnel to Care for Pupils

6810. Necessary care may be provided during school hours for pupils whose attendance has been irregular because of physical handicaps, and such employees as may be needed may be employed to provide the care.

Establishment of Regulations Determining Eligibility for Instruction

6811. Subject to the provisions of Section 8901 the governing board of a school district may establish regulations determining who can profit by and who shall receive the special instruction provided by this article (commencing with Section 6801). The regulations shall be subject to such standards as may be prescribed by the State Department of Education.

(Amended by Stats. 1965, Ch. 1914.)

Places of Instruction; Speech and Hearing Disorders

6812. Subject to the provisions of Section 8901 physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education.

(Amended by Stats. 1963, Ch. 1745 and Ch. 1747, and by Stats. 1965, Ch. 1914.)

Cross Reference: For provisions relating to home teachers, see Secs. 6151, 6152.

For administration of Bureau of Vocational Rehabilitation, see EC Section 6981.

Experimental Programs; Reports to Legislature

6812.5. Minors who are deaf or severely hard of hearing, as determined by the State Board of Education, and who are between the ages of 18 months and 3 years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf and severely hard-of-hearing pupils as prescribed by rules and regulations of the State Board of Education.

Notwithstanding any provision of this code to the contrary, attendance of deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the school district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State

School Fund for deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section.

On or before the fifth legislative day of the 1969 Regular Session, the Superintendent of Public Instruction shall submit to the Legislature a comprehensive report on all phases of the experimental programs conducted, including therein his recommendations concerning whether the establishment of such programs throughout the state is feasible.

(Added by Stats. 1967, Ch. 1710; amended by Stats. 1968, Ch. 1332. Effective August 14, 1968.)

Note: Stats. 1968, Ch. 1332, effective August 14, 1968, also contained the following provision:

SEC. 2. This act shall be deemed operative for the entire 1967–68 fiscal year as though the same had been enacted into law and become operative on July 1, 1967. The Superintendent of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School Fund.

Credit for Attendance for Classes in Hospitals, Sanatoriums and Preventoriums

6813. Subject to the provisions of Section 8901 special classes or individual instruction provided for pretuberculous, tuberculous, convalescent, or other physically handicapped minors in hospitals, sanatoriums, and preventoriums, may be maintained in the institutions within or without the school district, and the attendance of pupils in the institutions shall be credited to the district providing the instruction.

(Amended by Stats. 1965, Ch. 1914.)

Exemption From Instruction Upon Statement by Parent

6814. No minor shall be required to take advantage of the special provisions for the education of physically handicapped minors if the parent or guardian of the minor files a statement with the governing board of the school district showing that the minor is receiving adequate educational advantages.

Expenditures for Minors With Cerebral Palsy

6815. Subject to the provisions of Section 8901 a minor with cerebral palsy may attend a special school or class maintained by any school district for minors with cerebral palsy. The governing board of the district of residence shall pay to the district of attendance at the close of each school year the total current expenditures of the district of attendance, for

the education of such minor during such school year, less all apportionments of state and federal funds made on account of the attendance of such pupils. The governing board of the district of residence may agree to reimburse the district of attendance for use of buildings and equipment. If the district of residence has insufficient funds to make such payment, the county superintendent of schools having jurisdiction over the district of residence shall apportion to the district from the county school service fund such sum as may be necessary to permit the district to meet its obligation under this section.

(Amended by Stats. 1965, Ch. 1914.)

Cross Reference: For computation of allowances to school districts for transportation of handicapped pupils, see Sec. 18062.

For computation of allowance to county school service fund for attendance of physically handicapped pupils, see Sec. 18102.

For computation of allowances for excess expense for physically handicapped minors, see Sec. 18102 et seq.

For right to enroll in school for cerebral palsied children, see Sec. 26501.

Determination of Allowances

6816. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for, and shall determine the amount of the allowances for special regular day classes and for the authorized instruction in other than special regular day classes of physically handicapped minors.

(Amended by Stats. 1963, Ch. 1745, and by Stats. 1967, Ch. 1209. Effective August 15, 1967. See note following Section 3100.)

Cross Reference: For definition of pupil for purposes of transportation allowances, see Sec. 18053.

For computation of allowance to county school service fund for attendance of physically handicapped pupils, see Sec. 18102.

For computation of allowances for excess expense for physically handicapped minors, see Sec. 18102 et seq.

Counselors for Blind Students

6817. The Department of Education may appoint counselors to assist blind students attending public schools in the State to solve problems in connection with their school program. The counselors may visit blind pupils attending any public school in the State, in their homes to advise them and discuss with their parents the solution of problems pertaining to their school attendance. The counselors shall be available to teachers and administrators in the public schools where blind pupils are in attendance to advise and counsel them regarding the best methods and procedures for teaching blind children. The counselors shall be persons who have had special training for such work, and shall be thoroughly familiar with problems peculiar to the blind and their public school education. Blindness shall not be grounds to disqualify persons for these positions.

Social and Vocational Counseling and Guidance

6818. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for physically handicapped pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in co-operation with the governing board or boards of one or more other school districts, or in co-operation with the Department of Rehabilitation, employ a special co-ordinator, who shall make a study of employment and occupational opportunities and shall assist in the coordination of the education of the physically handicapped minors with the commercial and industrial pursuits of the community, so as to prepare the minors for employment.

(Amended by Stats. 1963, Ch. 1747.)

Co-operation in Placement of Physically Handicapped Individuals

6819. The State Department of Employment shall, through the State Employment Service, co-operate with local school officials and the State Department of Education in the placement of physically handicapped individuals.

Required Credentials for Teachers and Substitute Teachers

6820. On and after September 1, 1955, no person shall be employed to teach blind, partially seeing, deaf, hard of hearing, speech handicapped, or orthopedically handicapped minors in a special day or remedial class for such minors who does not hold a valid credential authorizing such teaching. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each such special day class for not more than 20 school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

Cross Reference: For specific provisions regarding credentials to teach exceptional children, see 5 California Administrative Code Secs. 6260–6266, 6570–6598.

Co-operation for Provision and Distribution of Braille Books and Other Materials

6821. The State Department of Education may co-operate with the American Printing House for the Blind in the provision and distribution of Braille books and other materials and equipment available from the American Printing House for the Blind for the use of blind pupils in the public schools of California under the provisions of an act entitled: "An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instructional material for the blind, to increase the appropriations authorized for this purpose, and for other purposes," approved August 2, 1956 (Public Law 922, 84th Congress, 2d Session).

Cross Reference: For computation of allowance for excess expense for blind pupils, see Sec. 18102.

For duty of Board of Education to provide textbooks in Braille, see Sec. 9354.

Nursery School-Parent Institute

6822. The State Department of Education shall establish and maintain a nursery school-parent institute at the California School for the Deaf in Riverside and in Berkeley for preschool deaf children between the ages of three and six years and their parents or guardians for the school years 1963-64 and 1964-65. Each such nursery school-parent institute shall be maintained for not less than one and not more than two calendar weeks per school year.

Such nursery school-parent institute shall provide a program designed to assist and instruct the parents of preschool deaf children in the early care and training of the deaf child, in the promotion of the communication skills of the deaf child, and in doing all those things which will help assure the physical, mental, social and communication development of the deaf child.

Any preschool deaf child and his parents or guardians receiving individual instruction at school, or in the home through home instruction, under the provisions of Education Code, Section 6812, shall not be eligible for attending the nursery school-parent institute provided under the provisions of this section.

The Department of Education shall make annual budget arrangements for carrying out the provisions of this section. Such budget arrangements shall include, and shall be limited to, provisions for all expenses incidental to providing such nursery school-parent institute such as lodging and meals for the deaf child and its parents or guardians.

(Added by Stats. 1963, Ch. 1745.)

Education of Pupils in Hospitals or Sanatorium; Minimum School Day

6851. Whenever a school district maintains a school or classes at a tuberculosis or polio ward, hospital or sanatorium established and maintained by a county or group of counties, any minor or adult who has been admitted to such ward, hospital or sanatorium is, if otherwise qualified, eligible to attend such school or classes but shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to such tuberculosis or polio ward, hospital or sanatorium.

The minimum school day for such classes is 180 minutes. Whenever two or more districts are authorized and operate such schools or classes the governing boards of the districts may jointly employ personnel to administer and conduct the programs.

The school district maintaining the school shall, no later than 30 days following the date of enrollment of a student who resides in another school district under this section, notify the district of residence of the student's enrollment.

(Amended by Stats. 1959, Ch. 1169.)

Cross Reference: For provisions relating to instruction in state institutions, see Sec. 154.

Determination and Payment of Cost of Education

6852. The cost for a school year of educating any minor or adult who attends such a school or class and who is deemed to be a resident of the district in which he resided prior to his admission to such tuberculosis or polio ward, hospital, or sanatorium shall be paid by the school district of which any such minor or adult is a resident to the district maintaining a school or class in which such minor or adult is enrolled pursuant to this article. The cost shall be determined by dividing the total current expenditures of the school district during such school year for the maintenance of such school or classes, less all apportionments from the State or allocations from the Federal Government on account of such school or classes, by the total number of units of average daily attendance in such school or classes during such school year.

Minors in such schools or classes shall be apportioned excess cost apportionments for handicapped minors as stated elsewhere in this code.

The Superintendent of Public Instruction shall adopt standards and regulations relating to administration, attendance, accounting and counseling in hospital schools and classes.

(Amended by Stats. 1959, Ch. 1169.)

Cross Reference: For provisions for crediting attendance in tuberculosis ward, hospital or sanatorium, see Sec. 5722.

Forwarding and Payment of Claim

6853. Not later than July 15th of each year, the district maintaining such school or classes shall forward its claim to the district of residence, for the cost of educating minors or adults who are residents of such district during the preceding school year, and the governing board of such district shall upon the receipt thereof pay such claim.

(Amended by Stats. 1959, Ch. 1169.)

Levy of District Tax to Pay Claim

6854. The governing board of the district to whom the claim prescribed by Section 6853 is presented may include in its budget the amount necessary to pay the claim, and if the amount is included in the budget the board of supervisors shall levy a school district tax to raise the amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

(Added by Stats. 1959, Ch. 1169.)

Levy of District Tax to Maintain Classes in Hospitals or Sanatoriums

6855. The governing board of any school district maintaining a school or classes at a tuberculosis or polio ward, hospital or sanatorium, may include in its budget the amount necessary to maintain such school or classes, and the board of supervisors shall levy a school district tax necessary to raise such amount. The tax shall be in addition to any other school district tax authorized by law to be levied.

(Added by Stats. 1959, Ch. 1169.)

Legislative Intent

6870. It is the intent and purpose of the Legislature in enacting this chapter to provide special educational facilities and services to exceptional children who, because the school district or county superintendent of schools of the county in which they reside has no appropriate special education facilities and services or they cannot reasonably be provided to fit their needs, or because the State of California has no facilities to educate them, are unserved by this state's school system or by state institutions or agencies. It is the further intent and purpose of the Legislature to provide the Department of Education with broad administrative discretion, consistent with the needs of exceptional children and the intent of this chapter, in carrying out its responsibilities under this chapter. The Superintendent of Public Instruction may adopt rules and regulations consistent with this chapter which he deems necessary for the effective administration thereof.

(a) As used in this chapter:

(1) An educationally handicapped minor means an educationally handicapped minor as defined by Chapter 7.1 (commencing with Section 6750) of this division.

(2) A physically handicapped minor means a physically handicapped minor as defined by Chapter 8 (commencing with Section 6801) of this division.

(3) A mentally retarded minor means a mentally retarded minor as defined by Sections 6901 and 6902.

(4) A severely mentally retarded minor means a mentally retarded minor as defined by Sections 6901 and 6903.

(5) A multiply handicapped minor as determined by the Superintendent of Public Instruction means a minor with any combination of handicaps described above in paragraphs (2), (3), and (4).

(6) Exceptional children includes all minors defined in paragraphs (1) to (5), inclusive, of this subdivision.

(b) "Special educational facilities and services" means:

(1) In the case of an educationally handicapped minor the special educational facilities and services specified in Chapter 7.1 (commencing with Section 6750) of this division.

(2) In the case of a physically handicapped minor the special educational facilities and services specified in Article 1 (commencing with Section 6801) of Chapter 8 of this division and Article 9 (commencing with Section 8901) of Chapter 6, Division 7.

(3) In the case of a mentally retarded minor, other than a severely mentally retarded minor, the special educational facilities and services specified in Sections 6902 and 8951 insofar as applicable.

(4) In the case of a severely mentally retarded minor the special educational facilities and services specified in Sections 6903 and 8951 insofar as applicable.

(5) In the case of a multiply handicapped minor, the special educational facilities appropriate to the minor's handicaps as

determined by the county superintendent of schools.

(Added by Stats. 1968, Ch. 472. Operative on July 1, 1970.)

Note: Stats. 1968, Ch. 472, operative on July 1, 1970, also contained the following provisions:

SECTION 1. This act may be cited as "The Special Education Services Act of 1968."

SEC. 11. The Superintendent of Public Instruction shall, beginning with the 1972 Regular Session of the Legislature, and at each regular session thereafter, report to the Legislature concerning the operation of this act, and shall include in such report any recommendations which he may deem necessary.

Physically Handicapped Minor for Whom No State Special Educational Facilities Available

6871. With the approval of the Superintendent of Public Instruction any school district having a physically handicapped minor as defined by this chapter for whom special education facilities and services are not available and cannot be reasonably provided under the provisions of Article 1 (commencing with Section 6801) of this chapter and Article 9 (commencing with Section 8901) of Chapter 6, Division 7, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school within or outside of California offering the special education facilities and services made necessary by the minor's physical disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the maximum amount allowable per unit of average daily attendance under Sections 18060 and 18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the support of the schools of the district. As used in this article "tuition" includes the cost to the parent or guardian of transporting a minor enrolled in a public or private nonsectarian school under this section to and from school.

(Added by Stats. 1963, Ch. 864; amended by Stats. 1964 (1st Ex. Sess.), Ch. 130, and by Stats. 1968, Ch. 472 and Ch. 928. See history note following Chapter 8.2.)

Application for Tuition Payment

6871.5. The parent or guardian of a minor who has been denied admission and who qualifies for tuition payment pursuant to Section 6871 shall make written application to the school district for the tuition payment prescribed in Section 6871. Within 30 days after receipt of the application, the school district shall in writing grant or deny the application, with reasons stated in case of a denial. If the application is denied, the parent or guardian may appeal to the county superintendent of schools, who shall review the decision of the school district and shall within 30 days after receipt of the appeal, either affirm or reverse the school district's decision. If the county superintendent of schools reverses the school district's decision, a report and claim shall be made by the school district in which the minor resides, pursuant to Sections 6872 and 6873. Thereupon the county superintendent of schools may place and contract for the placing of the exceptional child in another school district within or without the county or county offering special educational services. The superintendent may then transfer to the district or county wherein the child is placed the amount of state aid the placing district receives for that child pursuant to Section 6873. If the county superintendent of schools affirms the school district's decision, the parent or guardian may, within 10 days following receipt of the county superintendent of schools' decision, further appeal to the Department of Education for reconsideration. Within 30 days following receipt of the appeal, the department shall, in writing either affirm or reverse the decision of the county superintendent of schools, and in the case of an affirmation, shall append a statement of reasons. If the department affirms the decision of a county superintendent of schools that decision shall be final. If the department reverses the decision of a county superintendent of schools not to grant the application, a report and claim shall be made by the school district in which the minor resides, pursuant to Sections 6872 and 6873.

(Added by Stats. 1968, Ch. 472. Operative on July 1, 1970. See note following Section 6870.)

Report of Attendance

6872. A school district having any minor receiving the benefits of special education facilities and services under the provisions of Section 6871 shall report the attendance of such minor and submit any claim the district may have for the regular and special purpose apportionment to be used in payment to the parent or guardian of such minor toward any tuition arising out of such attendance through the county superintendent of schools to the Superintendent of Public Instruction. The aforementioned report and claim shall be submitted at the time and in the manner prescribed by the Superintendent of Public Instruction. The county superintendent of schools shall verify the attendance reported and claim submitted in the manner prescribed by the Superintendent of Public Instruction.

(Added by Stats. 1963, Ch. 864; amended by Stats. 1968, Ch. 472. Operative on July 1, 1970. See note following Section 6870.)

Apportionment of Amount to Cover Tuition

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the maximum amount allowable per unit of average daily attendance under Sections 18060 and 18102. The apportionments shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5 for each fiscal year immediately following the fiscal year in which the attendance occurs and shall not be subject to the provisions of Section 18456.

(Added by Stats. 1963, Ch. 864; amended by Stats. 1964 (1st Ex. Sess.), Ch. 130, and by Stats. 1968, Ch. 472 and Ch. 928. See history note following Chapter 8.2.)

Claims

6874. No claim shall be satisfied by the Superintendent of Public Instruction for the education of an exceptional child under this chapter, or under Section 6922, 25601.1, or 25851.1 unless the school, institution, or agency which the child will attend meets minimum educational standards established by the State Board of Education pursuant to Section 6874.5.

(Added by Stats. 1968, Ch. 472. Operative on July 1, 1970. See note following Section 6870.)

Minimum Educational Standards

6874.5. Except as otherwise provided in Section 6874.6, the State Board of Education shall adopt, by rules and regulations, minimum educational standards which shall be met by any school, institution, or agency enrolling an exceptional child under the provisions of this chapter, or under Section 25601.1 or 25851.1. Such minimum standards shall relate solely to the educational program to be offered by the school, institution, or agency.

(Added by Stats. 1968, Ch. 472. Operative on July 1, 1970. See note following Section 6870.)

Claim Where Insufficient Credentialed Teachers

6874.6. A claim concerning the attendance of an exceptional child at any school, institution, or agency in which there are insufficient numbers of properly credentialed teachers but which otherwise offers an acceptable educational program shall not be disallowed pursuant to Section 6874, if:

(a) The Department of Education has determined that there is in the area served by the school, institution, or agency a shortage of properly credentialed teachers, and

(b) The Department of Education determines that the needs of the exceptional children to be served by the school, institution, or agency will be more adequately served through an education at the school, institution, or agency than they would be if the children remain in their existing educational environments.

At such time that the Department of Education determines that there is in the area served by the school, institution, or agency a sufficient number of properly credentialed and employable teachers, the department shall require that properly credentialed teachers be employed by the school, institution, or agency before a claim may be satisfied for the education of an exceptional child at the school, institution, or agency.

This section shall apply only to an school, institution, or agency, enrolling an exceptional child under this chapter, which is situated in this state.

(Added by Stats. 1968, Ch. 472. Operative on July 1, 1970. See note following Section 6870.)

Financial Assistance to Get Teachers of Physically Handicapped and Mentally Retarded

6875. The governing board of a school district or a county superintendent of schools, in order to assure having teachers qualified to teach physically handicapped and mentally retarded pupils enrolled in programs of special education maintained by such district or the county superintendent of schools, and any employee of the district or the county superintendent of schools holding a position requiring certification qualifications, or any certificated person under contract to the district or the county superintendent of schools to teach physically handicapped or mentally retarded pupils, may enter into an agreement whereby the district or the county superintendent of schools may make a grant of financial assistance, in such amount not in excess of that specified in Section 6877, as they may in writing agree upon, for the said employee or certificated person under contract to undertake during the summers between academic school years specialized preparation to teach physically handicapped or mentally retarded minors as required by law and State Board of Education regulations.

(Added by Stats. 1963, Ch. 2107; amended by Stats. 1967, Ch. 1693.)

Reimbursement of Grants

6876. Not later than October 31 of each year the Superintendent of Public Instruction shall allow to each school district or county superintendent of schools making grants to employees or certificated persons under contract pursuant to the provisions of this chapter an amount sufficient to reimburse each such district or county superintendent of schools for the total of such grants made during the summer immediately preceding pursuant to the provisions of Section 6877.

(Added by Stats. 1963, Ch. 2107; amended by Stats. 1967, Ch. 1693.)

Amount of Reimbursement

6877. The amount of reimbursement allowed a school district or county superintendent of schools pursuant to Section 6876 for each such grant for specialized preparation undertaken during any given summer by any given employee or certificated person under contract shall not exceed the product of the number of semester hours taken in any given summer and fifty dollars ($50). The total amount of reimbursement allowed for all such grants to any given employee or certificated person under contract undertaking such specialized preparation shall not exceed the product of the number of semester hours of specialized preparation required by law and State Board of Education regulations for the credential to teach the category of physically handicapped or mentally retarded pupils being sought and fifty dollars ($50). No more than five years shall elapse between the first and final allowance in reimbursement of such grants for any given employee or certificated person under contract except by approval of the Superintendent of Public Instruction upon the recommendation of the governing board of the school district or the county superintendent of schools of such employee or certificated person under contract.

(Added by Stats. 1963, Ch. 2107; amended by Stats. 1967, Ch. 1693.)

Rules and Regulations

6878. The Superintendent of Public Instruction shall, upon approval of the State Board of Education, establish rules and regulations for the administration of the provisions of this chapter.

(Added by Stats. 1963, Ch. 2107.)

"Mentally Retarded Minors" Defined

6901. "Mentally retarded minors" means all minors who because of retarded intellectual development as determined by individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.

Provisions for Education of Mentally Retarded Minors Expected to Benefit From Special Facilities

6902. The education of mentally retarded minors who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive. Such special education may be provided mentally retarded minors below compulsory school age who are between five years nine months and eight years of age and those above compulsory school age and less than 21 years of age.

(Amended by Stats. 1963, Ch. 1697.)

Cross Reference: For provisions relating to excess expense for mentally retarded minors, see Sec. 1810.2 et seq.

For specific provisions regarding special schools and classes, see 5 California Administrative Code Secs. 180-188.

Provisions for Education of Mentally Retarded Minors Not Within Provisions of Section 6902

6903. The education of mentally retarded minors who do not come within the provisions of Section 6902, who are 8 or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive. The education of such mentally retarded minors who are five or more and less than eight years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such minor who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

(Amended by Stats. 1961, Ch. 659, by Stats. 1963, Ch. 2105, by Stats. 1963 (1st. Ex. Sess.), Ch. 14, and by Stats. 1964 (1st Ex. Sess.), Ch. 52.)

Cross Reference: For provisions relating to computation of allowances for excess expense for severely mentally retarded minors, see Sec. 18202 et seq.

For computation of allowance to school districts for transportation of mentally retarded minors, see Sec. 18060.

For specific provisions regarding special schools and classes, see 5 California Administrative Code Secs. 196-199.6.

Special Training Schools or Classes in Elementary, High School, or Unified School District

6904. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6902 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

The governing board of any elementary or unified school district which has an average daily attendance of 8,000 or more in the elementary schools of the district, and any unified r high school district which has an average daily attendance of 8,000 or more in the high schools of the district shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

With the approval of the county superintendent of schools, the governing board of any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district, and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district may provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903 as may be admitted to such schools or classes.

The governing board of any elementary, unified or high school district, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction, enter into an agreement with a county superintendent of schools for the latter to provide for the education of such mentally retarded minors.

The governing boards of elementary, unified, and high school districts may enter into agreements for the education in special training schools or classes of mentally retarded minors residing in the districts parties to such agreements providing such agreements are reported through the county superintendent of schools to the Superintendent of Public Instruction.

(Amended by Stats. 1959, Ch. 280 and Ch. 1701, by Stats. 1963, Ch. 2105, and by Stats. 1963 (1st Ex. Sess.), Ch. 14.)

Determination of Grade Level of Mentally Retarded Classes for Apportionment Purposes

6904.1. The Superintendent of Public Instruction shall adopt regulations prescribing the conditions under which the education of mentally retarded minors under Sections 6902 and 6903 shall be the responsibility of either the elementary schools or the high schools maintained by school districts, and for determining when such pupils in classes maintained by a school district or a county superintendent of schools shall be designated as of elementary or secondary grade for attendance and state apportionment purposes.

(Added by Stats. 1964 (1st Ex. Sess.), Ch. 52.)

Coordination of Activities by Certificated Person in Counties With Over 25,000 Pupils

6904.2. The county superintendent of schools of a county with more than 25,000 pupils in average daily attendance, and in which at least 50 percent of the mentally retarded pupils in the county are enrolled in classes conducted by the county superintendent, shall employ at least one full-time certificated person to coordinate activities involved in the preparation, adoption, revision, use and enforcement of a course of study for mentally retarded pupils in special schools and classes conducted by the county superintendent and by school districts in which the county course of study is required to be used. The minimum professional requirement for employment in such position shall be the holding of a regular teaching credential with authorization to teach the mentally retarded.

A county board of education of a county with 25,000 or less pupils in average daily attendance or the governing board of any school district with an average daily attendance of more than 8,000 may cooperate with a county superintendent of schools of 25,000 or more pupils in average daily attendance in the development of a course of study for mentally retarded pupils educated by them.

(Added by Stats. 1968, Ch. 182. See note following Section 171.)

Four-year Secondary School Program in Certain Districts

6904.5. The governing board of a unified or high school district with an average daily attendance of 900 or more shall provide a four-year secondary school program for each mentally retarded minor residing in the district who comes within the provisions of Section 6902 and for whom the district is required to provide an education in special training schools or classes pursuant to Section 6904.

(Added by Stats. 1965, Ch. 1427.)

Special Training Classes in Certain High School Districts

6905. The governing board of any high school district which has an average daily attendance of less than 900 may establish and maintain special training schools or classes for the education of such mentally retarded minors as may be admitted to such schools or classes by the governing board of the district.

Establishment of Minimum Standards

6906. The Department of Education shall establish minimum standards for all such special schools and classes and shall enforce these standards throughout the State.

For standards established, see 5 California Administrative Code Secs. 180-188, 190-199.6, 2046.

Diploma from Special School

6906.5. The governing board of each unified or high school district which is required or authorized to maintain special training schools for mentally retarded minors who come within the provisions of Section 6902 shall issue a diploma or other certificate of graduation to each person who has met the minimum standards of the State Board of Education for such special schools and such diploma or certificate of graduation shall

not contain any notation or other evidence which indicates that the graduate is a mentally retarded person.

(Added by Stats. 1965, Ch. 248.)

Supervision of Training

6907. One person in the Department of Education shall devote his entire time to the supervision of training of mentally retarded minors. The department shall employ such other persons as are necessary to carry out the purposes of Sections 6901 to 6913, inclusive, and of Sections 8951 to 8956, inclusive.

Individual Examination of Child by Psychologist

6908. Before any child is placed in a school or class for mentally retarded children, he shall be given a careful individual examination by a competent psychologist holding a credential for that purpose issued by the State Board of Education, or by a person serving under the supervision of such a psychologist and holding a credential for that purpose issued by the State Board of Education, and a consultation with his parents or guardian held. A psychiatrist may be consulted in any specific case when the governing board of the district deems it necessary.

Cross Reference: For further provisions regarding admission of children, see 5 California Administrative Code Secs. 183, 198.

Objection to Examination by Parent or Guardian

6909. No examination as specified in Sections 6901 to 6913, inclusive, shall be given if the parent or guardian objects on the ground that such examination is contrary to the religious beliefs of such parent or guardian.

Inter-district Agreements for Education and Transportation

6910. The governing board of any school district otherwise required or authorized to maintain special training schools and classes under Sections 6904 and 6905 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes maintained by another school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under Sections 8951 to 8956, inclusive, subject to such terms and conditions as may be agreed upon.

Provision for Transportation in Lieu of Agreement

6911. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is provided under Section 6910 or 8953, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

(Amended by Stats. 1963, Ch. 317.)

Cross Reference: For provisions relating to transportation of mentally retarded minors, see Secs. 895.4, 895.5.

For computation of allowance for transportation of mentally retarded minors, see Sec. 18101.

Qualification for Teachers

6912. No person shall be employed as a teacher of mentally retarded minors who does not hold a valid credential for the education of mentally retarded children. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each special training class of mentally retarded children for not more than 20 school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

Cross Reference: For minimum standard for credential for education of mentally retarded, see Sec. 13151, 6912.

For credential requirements, see 5 California Administrative Code Secs. 6262, 6582, 6584.

Individual Social and Vocational Counseling

6912.5. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for mentally retarded pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in co-operation with the governing board or boards of one or more other school districts, or in co-operation with the Bureau of Vocational Rehabilitation of the State Department of Education, employ a special co-ordinator, who shall make a study of employment and occupational opportunities and shall assist in the co-ordination of the education of the mentally retarded minors with the commercial and industrial pursuits of the community, so as to prepare the minors for employment.

(Added by Stats. 1963, Ch. 1613.)

Determination of Allowances

6913. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of mentally retarded minors.

(Amended by Stats. 1967, Ch. 1209. Effective August 15, 1967. See note following Section 3100.)

Cross Reference: For computation of allowances for excess expense for mentally retarded minors, see Sec. 18102 et seq.

Increase in Maximum Tax Rate

6913.1. The maximum rate of school district tax for any school year is hereby increased by such amount as the governing board of any school district which maintains or has entered into an agreement with another district or with the county superintendent of schools for educational services or facilities, including the rental of property or purchase of equipment, for mentally retarded minors who come within the provisions of Sections 6902 and 6903 may include in its budget and the board of supervisors shall levy a school district tax necessary to raise such amount. No amount shall be included in its budget for the purchase or improvement of school sites.

Such budget expenditures may include the cost of equipment and facilities, the lease or lease-purchase of buildings, lease of land, alteration or additions to existing buildings, or other necessary capital outlay expenditures in connection with such educational services.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in the tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized for the education of mentally retarded minors who come within the provisions of Sections 6902 and 6903.

(Added by Stats. 1959, Ch. 1850; amended by Stats. 1963, Ch. 1034 and Ch. 2105, by Stats. 1963 (1st Ex. Sess.), Ch. 14, and by Stats. 1968, Ch. 600 and Ch. 888.)

Apportionment to School Districts for Mentally Retarded Minors and Physically Handicapped Minors

6914. Whenever any school district maintains special training schools or classes for the education of mentally retarded minors who come within the provisions of Section 6903, or special schools, classes or integrated programs where a qualified special teacher is provided for the education of physically handicapped minors who come within the provisions of Sections 6801 and 6802, the governing board of the school district may apply to the Superintendent of Public Instruction for an apportionment pursuant to Sections 6914 to 6919, inclusive.

(Amended by Stats. 1959, Ch. 405.)

Cross Reference: For computation of allowance to school districts for transportation of mentally retarded minors, see Sec. 18060.

For Superintendent of Public Instruction, see Constitution Art. IX, Sec. 2.

Application for Apportionment to School Districts for Mentally Retarded Minors and Physically Handicapped Minors

6915. The application shall be made prior to September 1st of each school year in the form and manner prescribed by the Superintendent of Public Instruction and shall include an estimate of the average daily attendance that will be credited to such schools, classes or integrated programs during the school year for which an advance apportionment is requested. Such estimate shall be based upon the number of minors residing in the district or in an adjacent district that come within the provisions of Sections 6801, 6802, and 6903 and who will attend such schools, classes or integrated programs, and shall be subject to the approval of the Superintendent of Public Instruction.

(Amended by Stats. 1959, Ch. 405 and Ch. 1850.)

Cross Reference: For application required, see 5 California Administrative Code Sec. 199.6.

Amount of Apportionment for Mentally Retarded Minors and Physically Handicapped Minors

6916. Not later than 30 days after such application, the Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to the maximum amount allowable for each type of program included in the request per unit of average daily attendance to school districts for the excess expense of educating mentally retarded minors who come within the provisions of Section 6903, and physically handicapped minors who come within the provisions of Sections 6801 and 6802 multiplied by eight and the product thereof multiplied by the number of special classes or integrated programs maintained by the applicant school district for such minors.

(Amended by Stats. 1959, Ch. 405.)

Cross Reference: For computation of allowance for transportation of mentally retarded, see Sec. 18062.

For computation of allowance for excess expense for severely mentally retarded minor, see Sec. 18102.

For application procedure, see 5 California Administrative Code Sec. 199.6.

For State School Fund, see Constitution Art. IX, Sec. 4.

Abstract of Apportionments to Be Furnished

6917. The Superintendent of Public Instruction shall furnish an abstract of all apportionments made to school districts of any county under Sections 6914 to 6919, inclusive, to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the districts of the county.

Crediting of Funds

6918. All moneys received by the treasurer of a county under Sections 6914 to 6919, inclusive, shall be credited by the treasurer to the general fund of the school district of the county exactly as apportioned by the Superintendent of Public Instruction.

Deductions From Apportionments

6919. During the next two fiscal years after the fiscal year in which such apportionment is advanced to a school district under Sections 6914 to 6919, inclusive, the State Controller shall deduct from apportionments made to each such school district from the State School Fund an amount equal to the amount apportioned to such district under Sections 6914 to 6919, inclusive, and pay the same into the State General Fund.

Entitlement to Free Education

6920. Every mentally retarded, physically handicapped, or multiply handicapped minor, as defined in Section 6870, is entitled to training or an education free of charge in the public schools of this state.

(Added by Stats. 1968, Ch. 472. Operative on July 1, 1970. See note following Section 6870.)

Establishment and Conduct of Training Programs

6931. The State Board of Education may adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded minors enrolled in special day classes for suitable occupations. Such programs shall provide for physically handicapped and mentally retarded minors who are unable to profit by courses of work experience education as provided in Article 4 (commencing at Section 8351) of Chapter 4 of Division 7.

(Added by Stats. 1959, Ch. 1758.)

Contracts With Sheltered Workshops

6932. School districts and county superintendents of schools may contract with sheltered workshops and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded minors, and reimburse such sheltered workshops and work establishments for the expenses incurred in the training of such minors.

(Added by Stats. 1959, Ch. 1758.)

Contracts With Department of Rehabilitation or With Other Governing Boards or County Superintendents; Employees; Certification

6933. The governing board of any school district, or the county superintendent of schools of any county, maintaining secondary schools may enter into contracts with the governing boards of other such school districts, or with a county superintendent of schools, and with any department or agency of the state to obtain or provide services and other assistance necessary in connection with providing effective rehabilitation services, to include but not limited to occupational training, mobility training, sheltered workshops and work-experience programs.

Any school district governing board, or the county superintendent of schools of any county, which enters into a contract with the State Department of Rehabilitation under this section may employ, or allow to be employed, in the school district or with a county superintendent of schools, employees of the State Department of Rehabilitation or other persons not employed by the department but certified by the department to be fully qualified for such employment. A certification to the State Department of Education by the State Department of Rehabilitation that the individual meets all the requirements and fulfills all the qualifications of that department for the position for which he is being considered shall serve as evi-

dence that the individual meets the academic, professional and experience requirements for a standard designated services credential with a specialization in pupil personnel services as a rehabilitation counselor or mobility instructor for the blind, in accordance with requirements adopted by the State Board of Education, which the individual must obtain in order to render services in the public schools.

Notwithstanding any other provision of this code, when an individual is so certified by the State Department of Rehabilitation as qualified for employment, other teacher certification requirements required by this code or by Title V of the California Administrative Code shall be waived for that individual.

(Added by Stats. 1965, Ch. 1111.)

"Handicapped Children" Defined

6941. As used in this chapter, "handicapped children" means any of the following:

(a) Physically handicapped minors as defined in Chapter 8 (commencing with Section 6801) of this division.

(b) Mentally retarded minors as defined by Sections 6901 and 6902.

(c) Severely mentally retarded minors as defined by Sections 6901 and 6903.

(d) Educationally handicapped minors as defined in Chapter 7.1 (commencing with Section 6750) of this division.

(e) Multiple handicapped minors which refers to any combination of (a), (b), or (c).

(Added by Stats. 1967, Ch. 980.)

Reports of Governing Boards

6942. To compile sufficient information regarding handicapped children in order to assure these children of educational programs, on or before April 30, 1968, and April 30 of each year thereafter, the governing board of each school district shall make a report to the county superintendent of schools with jurisdiction over the district of each of the handicapped children who fall within any of the following categories for the fiscal year for which the report is made:

(a) Each handicapped child who is participating in a special class, school, or program of the school district for handicapped children.

(b) Each handicapped child who is not within the purview of subdivision (a), but whose parent, parents, guardian or other person having control or charge of the child applied to the school district for enrollment of the child in a special class, school, or program of the district for handicapped children. If the child was denied enrollment, the report shall so state. As used in this subdivision "applied" includes an interview by school personnel of the district of the parent, parents, guardian or other person having charge of the child.

(Added by Stats. 1967, Ch. 980.)

Contents of Reports

6943. The report required by subdivision (a) of Section 6942 may be limited to the particular programs in which pupils are participating and the numbers which are participating in each. The report required by subdivision (b) of Section 6942 shall contain all of the following information relative to each of the handicapped children reported:

(a) Name.

(b) Address.

(c) Date of birth.

(d) Names of the parent, parents, guardian or other person having control or charge of the child.

(e) Handicaps of the child insofar as they are known to the school district.

(f) Special class, school, or program, if any, in which the child is enrolled, with a statement of any suspensions of 10 days or more or expulsions from such special class, school or program suffered by the child.

(Added by Stats. 1967, Ch. 980.)

Report of County Superintendent

6944. On or before June 30, 1968, and June 30 of each year thereafter, the county superintendent of schools of each county shall report for the fiscal year in which the report is made, to the Superintendent of Public Instruction, all of the handicapped children in the area under his jurisdiction who fall within the categories specified by Section 6941, including each of those handicapped children who are participating in a special class, school, or program provided by the county superintendent of schools, and each of those handicapped children who are not so participating, but for whom application for enrollment therein was made by the parent, parents, guardian or other person having charge or control over the child.

The report required pursuant to this section shall contain all of the information required by Section 6943 relative to each child reported, and in addition shall specify the school district which submitted such information to the county superintendent of schools pursuant to Section 6942.

(Added by Stats. 1967, Ch. 980.)

Rules and Regulations of School Governing Board

6945. The governing board of each school district shall adopt rules and regulations to require the officers and employees of the district to gather the information required to be reported to the county superintendent of schools by this chapter.

(Added by Stats. 1967, Ch. 980.)

Rules and Regulations of Superintendent of Public Instruction

6946. The Superintendent of Public Instruction shall adopt rules and regulations specifying the form of the reports required of school districts and the county superintendent of schools by this chapter.

(Added by Stats. 1967, Ch. 980.)

Reimbursement of Children Residing in Children's Institutions

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in an institution or in a family home, pursuant to a commitment or placement under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code. located either within or without the boundaries of the district, or whenever a school district provides education in special schools or classes for mentally retarded minors coming within the provisions of Section 6902 or 6903, or physically handicapped minors coming within the provisions of Section 6801, who reside in a licensed children's institution or family home located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the institution or home. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution or family home is located. The pupil residing in an institution or family home under this section does not acquire residence in the district wherein the institution or family home is located during the period of residence in the institution or family home.

(Amended by Stats. 1961, Ch. 1642, by Stats. 1963, Ch. 83, by Stats. 1965, Ch. 1638, and by Stats. 1967, Ch. 1558.)

Cross Reference: For provisions for determining residency, see Government Code Sec. 244.

Payment and Determination of Cost of Educating Minor

6952. The county or city and county of which any minor described in Section 6950 or Section 6951 is a resident shall at the close of each school year pay to the district or county superintendent of school educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenses of the school district or county superintendent of schools during such school year less all apportionments from the state or allocations from the federal government received by the district or county superintendent of schools during such school year, by the total number of units of average daily attendance in such school district or in programs maintained by the county superintendent of schools during such school year.

The county or city and county of which any such minor is a resident shall at the close of each school year also pay to the district or county superintendent of schools educating such minor the excess expenditures of educating such minor during the school year. The excess expenditures shall be determined by dividing the total excess expenditures of the school district or county superintendent of schools during such school year on account of educating such minors less all special purpose apportionments from the state or allocations from the federal government on account of the excess costs of educating such minors by the total number of units of average daily attendance of such minors in such school, classes, facilities, or programs during such school year.

The average daily attendance for all such minors who attend a junior high school in accordance with Sections 5601 to 5612, inclusive, shall be credited to the elementary district in which the institution is located for apportionment purposes.

For the purpose of this section "excess expenditures" shall mean the additional expenditures made by the district during the school year for education of such minors described in this chapter.

(Amended by Stats. 1961, Ch. 1642, and by Stats. 1967, Ch. 202 and Ch. 1558.)

Note: Section 6952, as amended by Stats. 1967, Ch. 202, effective from May 24, 1967, to November 8, 1967, reads:

6952. The county or city and county of which any such minor is a resident shall at the close of each school year pay to the district educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenses of the school district during such school year less all apportionments from the state or allocations from the federal government received by the district during such school year, by the total number of units of average daily attendance in such school district during such school year.

The county or city and county of which any such minor is a resident shall at the close of each school year also pay to the district educating such minor the excess expenditures of educating such minor during the school year. The excess expenditures shall be determined by dividing the total excess expenditures of the school district during such school year on account of educating such minors less all special purpose apportionments from the state or allocations from the federal government on account of the excess costs of educating such minors by the total number of units of average daily attendance of such minors in such school or classes during such school year.

The average daily attendance for all such minors who attend a junior high school in accordance with Sections 5601 to 5612, inclusive, shall be credited to the elementary district in which the institution is located for apportionment purposes.

For the purpose of this section "excess expenditures" shall mean the additional expenditures made by the district during the school year for education of such minors in regular classes and in classes maintained in regularly established licensed institutions authorized by law to be maintained by the district.

Payment for Use of Buildings and Facilities

6952.5. In addition to any other payments required by this chapter, where the education of children and minors described in Section 6951 or Section 6950 is provided in buildings or facilities owned by the school district or county superintendent of schools, the county or city and county of the minor's residence shall pay to the school district or county superintendent of schools, for the minor's use of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such children during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

(d) Forty-four dollars ($44) if a county superintendent of schools.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund or its building fund. The moneys so received by the county superintendent of schools shall be deposited to the credit of the county school service fund of the county for use in providing school buildings and facilities for the use of the county superintendent of schools in educating mentally retarded minors, physically handicapped minors, and nonimmigrant children, as the case may be.

Except for mentally retarded minors and physically handicapped minors, no payment shall be made to a district under this section for children described in Section 6951 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6951 in buildings or facilities owned by the district. No payment shall be made to a district under this section for children described in Section 6950 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6950 in buildings or facilities owned by the district.

(Added by Stats. 1963, Ch. 699; Amended by Stats. 1967, Ch. 202 and Ch. 1558.)

Note: Section 6952.5, as amended by Stats. 1967, Ch. 202, effective from May 24, 1967 to November 8, 1967, reads:

6952.5. In addition to any other payments required by this chapter, where the education in kindergarten or grades 1 through 12 of children described in Section 6951 or Section 6950 is provided in buildings or facilities owned by the school district, the county or city and county of the minor's residence shall pay to the school district, for the minor's use of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such children during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund, except that if the school has no such fund, it shall be deposited in district's building fund.

No payment shall be made to a district under this section for children described in Section 6951 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6951 in buildings or facilities owned by the district. No payment shall be made to a district under this section for children described in Section 6950 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6950 in buildings or facilities owned by the district.

Forwarding of Claim for Cost

6953. The district maintaining such school or classes shall forward its claim on forms prescribed by the Superintendent of Public Instruction not later than the 15th day of July of each year to the county superintendent of schools of the county, or city and county, wherein the district is located, who shall certify and present the claim to the county superintendent of the county, or city and county, of the pupil's residence.

(Amended by Stats. 1961, Ch. 1642.)

Annual Request for Funds

6954. The county superintendent of schools in each county, and city and county, shall file with the board of supervisors not later than the eighth day of August of each year a request for sufficient funds to pay the total amount of claims presented to him in accordance with this chapter.

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount of at least one hundred dollars ($100) less than was required for the claim of any individual district under Section 6953 included in a request filed by him with the county board of supervisors during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be added to or deducted from the request for funds for the then current fiscal year.

(Amended by Stats. 1961, Ch. 1642, and by Stats. 1963, Ch. 1289.)

Levy and Collection of Tax

6955. The board of supervisors of each county, and city and county, shall annually, at the time and in the manner of levying other county, and city and county taxes, levy and cause to be collected a tax for the payment of claims submitted pursuant to this chapter.

(Added by Stats. 1961, Ch. 1642.)

Deposit, Audit and Disbursal of Money

6956. The moneys received from such county tax shall be deposited in the county treasury to the credit of the county school service fund. On or before the first Monday in February and the first Monday in June of each year, the county auditor shall notify the county superintendent of schools of the amount of money in the treasury available for the payment of claims authorized by this chapter.

The county superintendent of schools shall thereupon disburse the money to the school districts which have qualified for reimbursement pursuant to this chapter.

(Added by Stats. 1961, Ch. 1642.)

Forms and Procedures

6957. The State Superintendent of Public Instruction may furnish the forms and shall prescribe the procedures required of school districts and county superintendents of schools under this chapter, and shall adopt all rules and regulations necessary for carrying out its provisions.

(Added by Stats. 1961, Ch. 1642.)

Purpose of Chapter

7041. It is the purpose of this chapter to extend the opportunities for disabled persons for employment through encouragement of local communities to develop sheltered workshops and to improve the standards and operation of existing workshops and to provide the State with information concerning their effectiveness in providing employment and rehabilitation services to the handicapped.

(Added by Stats. 1959, Ch. 2030.)

Meaning of Sheltered Workshop

7042. For the purposes of this chapter a sheltered workshop means any facility designed to aid those persons with physical or mental disabilities of such a character as to constitute a handicap in securing or retaining employment, where the aid being provided is in the form of work activities and related services including but not limited to the following: sheltered employment, work tryout, work conditioning, employment training, work therapy, work evaluation, and personal adjustment to working conditions.

(Added by Stats. 1959, Ch. 2030.)

Consultive Services

7043. The Vocational Rehabilitation Section of the Department of Education may provide consultive services to organizations in the establishment and operation of sheltered workshops for the disabled. Such consultive service shall include the bringing together of persons interested in the established workshops, surveying community needs, securing the co-operation of other community agencies, planning methods of financing, securing work contracts, establishing professional standards, and maintaining of appropriate records.

(Added by Stats. 1959, Ch. 2030. See note at beginning of Chapter 11.5.)

Contracts for Consultation in Technical Fields

7044. The Vocational Rehabilitation Section may contract with qualified persons or firms for consultation in such technical fields as accounting, engineering and sales so that the directors and governing bodies of the workshops may be advised as to the desirability of any undertaking and the best methods of achieving their objectives.

(Added by Stats. 1959, Ch. 2030. See note at beginning of Chapter 11.5.)

Duty of Governing Board in Certain Districts to Prescribe and Enforce Course of Study for Mentally Retarded Pupils

8052. The governing board of any school district with more than 8,000 pupils in average daily attendance shall prescribe and enforce in the schools a course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code.

Added by Stats. 1968, Ch. 182.

Duty of County Board to Prescribe and Enforce Course of Study for Mentally Retarded Pupils

8053. Each county board of education shall prescribe and enforce a county course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code. Such county course of study shall be used in special education programs for mentally retarded pupils conducted by the county superintendent of schools and in school districts with an average daily attendance of 8,000 or less.

Added by Stats. 1968, Ch. 182.

Textbooks for Visually Impaired; Textbooks in Braille

9316. The board shall make available copies of adopted textbooks in large print for pupils enrolled in the elementary schools whose visual acuity is 20/70 or less or who have other visual impairment making the use of such textbooks necessary. The board shall make available adopted textbooks in braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less.

(Added by Stats. 1968, Ch. 917. Repealed as added if Assembly Constitutional Amendment No. 30 (1968 Regular Session), adopted November 5, 1968.)

Central Clearinghouse—Depository for Books, Recordings and Equipment for Visually Handicapped Pupils

10301. The Superintendent of Public Instruction shall establish and maintain a central clearinghouse-depository for specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items for the use of visually handicapped minors enrolled in the public schools of California who may require their use as shall be determined by the State Board of Education.

(Added by Stats. 1963 (1st Ex. Sess.), Ch. 11.)

Duties of Superintendent of Public Instruction

10302. The Superintendent of Public Instruction shall provide facilities, furniture and equipment and employ personnel necessary to carry out the provisions of Section 10301.

(Added by Stats. 1963 (1st Ex. Sess.), Ch. 11.)

Allowance for Cost

10303. Of the amount necessary to carry out the provisions of this article to meet the requirements of visually handicapped minors enrolled in the public schools, an amount not to exceed twenty-eight thousand dollars ($28,000) annually, shall be allowed to the Superintendent of Public Instruction as provided in Section 18106.

(Added by Stats. 1963 (1st Ex. Sess.), Ch. 11.)

Readers for Blind Students; Compensation

10651. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this state, the Director of Education may provide, from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist him in his studies. Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Education for the benefit of such blind person, and not an employee of the Department of Education. Compensation for readers shall be established at a rate high enough to obtain competent readers, but in no event shall such compensation be less than the basic federal minimum wage. No more than 1,100 hours of service by a reader per annum shall be allowed for the instruction of any one student, except that for graduate students no more than 1,300 hours of service by a reader shall be allowed for the instruction of any one student; provided that a greater amount may be expended if the Superintendent of the California School for the Blind finds that the instruction of a student will be facilitated by such additional expenditure.

(Amended by Stats. 1959, Ch. 351, by Stats. 1965, Ch. 438, and by Stats. 1967, Ch. 1020.)

Information Concerning Pupils

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school, including colleges and universities, shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

Restrictions imposed by this act are not intended to interfere with the preparation and distribution of junior college, college and university student directories or with the furnishing of lists of names, addresses, and telephone numbers of junior college, college and university students to proprietors of campus housing. Such restrictions are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research, and an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff, and rosters or lists containing the names and addresses of seniors in public, private, or parochial high schools or junior colleges may be furnished to private business or professional schools and colleges.

(Amended by Stats. 1965, Ch. 1763. by Stats. 1967, Ch. 956, and by Stats. 1968, Ch. 286, Ch. 1364 and Ch. 1389.)

Note: Section 10751 as amended by Stats. 1968, Ch. 1389, Sec. 1, effective from August 22, 1968, until November 13, 1968, provides:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school, including colleges and universities, shall give out any personal information concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) An officer or employee of the United States, the State of California, or a city, city and county, or county seeking information in the course of his duties.

(e) An officer or employee of a public or private guidance or welfare agency of which the pupil is a client.

Restrictions imposed by this act are not intended to interfere with the preparation and distribution of junior college, college and university student directories or with the furnishing of lists of names, addresses, and telephone numbers of junior college, college and university students to proprietors of off-campus housing. Such restrictions are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified in the completed report or in any public report of the research project or study, and an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff, and rosters or lists containing the names and addresses of seniors in public, private, or parochial high schools or junior colleges may be furnished to private business or professional schools and colleges.

Minimum School Day for Kindergarten and Severely Mentally Retarded Pupils

11003. The minimum schoolday for pupils of kindergartens, and for mentally retarded minors in special training schools or classes prescribed in Section 6903, is 180 minutes inclusive of recesses except that if a school district maintains two such classes on the same day which are taught by the same teacher, the minimum schoolday for each of such classes shall be 150 minutes inclusive of recesses.

(Amended by Stats. 1963, Ch. 1779. Amended in identical language by Stats. 1967, Ch. 1209, effective August 15, 1967, and Ch. 1646.)

11004. (Repealed by Stats. 1959, Ch. 150.)

Minimum School Day for Grades 1, 2 and 3

11005. The minimum schoolday in grades 1, 2, and 3 in elementary schools, except in opportunity schools or classes, is 230 minutes, except where the governing board of a school district has prescribed a shorter length for the schoolday because of lack of school facilities which requires double sessions, in which case the minimum schoolday in such grades shall be 200 minutes.

(Amended by Stats. 1959, Ch. 150, by Stats. 1967, Ch. 1401, and by Stats. 1968, Ch. 947.)

11005.1. (Repealed by Stats. 1959, Ch. 150.)

Minimum School Day for Grades Four Through Eight

11006. The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools and in special day and evening classes of an elementary school district, except in opportunity schools or classes, is 240 minutes.

(Amended by Stats. 1959, Ch. 150 and by Stats. 1967, Ch. 1401. Effective August 25, 1967.)

Minimum Schoolday for Certain Educationally Handicapped Minors

11008. With respect to educationally handicapped pupils provided instruction pursuant to Chapter 7.1 (commencing with Section 6750), Division 6 of this code, the minimum schoolday in kindergarten is 180 minutes; in grades one, two and three in elementary schools, is 200 minutes; and in grades four, five, six, seven and eight in elementary schools, is 240 minutes.

(Added by Stats. 1963, Ch. 2165.)

Minimum School Day

11052. The minimum schoolday in any high school, except in an evening high school, a regional occupational center, an opportunity school and in opportunity classes, a continuation high school, in continuation education classes, and in late afternoon or Saturday occupationally organized vocational training programs conducted under a federally approved plan for vocational education, is 240 minutes.

(Amended by Stats. 1959, Ch. 150, by Stats. 1965, Ch. 760, and by Stats. 1967, Ch. 1401. Effective August 25, 1967.)

11052.1 (Repealed by Stats. 1959, Ch. 150.)

Minimum Schoolday in High School for Certain Educationally Handicapped Minors

11054. With respect to educationally handicapped minors provided instruction pursuant to Chapter 7.1 (commencing with Section 6750), Division 6 of this code, the minimum schoolday in any high school is 240 minutes.

(Added by Stats. 1963, Ch. 2165.)

Day of Attendance and Maximum Credit for Physically Handicapped Adults

11152. Each clock hour of teaching time devoted to the individual instruction of physically handicapped adults who are patients in a tuberculosis ward or hospital maintained by one or more counties shall count as one day of attendance but no such adult shall be credited with more than one day of attendance in any calendar day.

Day of Attendance and Computation of Average Daily Attendance

11201. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance, except for such minors 16 years of age and over who are enrolled in an approved occupational training program. Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance. Whenever two to four physically handicapped pupils are instructed at the same time by the same teacher in a remedial class conducted by a school district or the county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction. The average daily attendance of all physically handicapped pupils shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

Notwithstanding any provision of this code to the contrary, however, when a physically hadicapped minor 16 years of age or over is enrolled in an approved occupational training program pursuant to Sections 6931 and 6932 of this code, two clock hours of attendance in a special day school or class in combination with two clock hours of attendance in such an occupational training program shall count as one day of attendance. No such pupil shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special day school or class is maintained in such fiscal year.

(Amended by Stats. 1963, Ch. 1728, and by Stats. 1967, Ch. 1653.)

Cross Reference: For minimum school day, see 5 California Administrative Code Sec. 1 et seq.

Individual Instruction; Minors With Speech Defects

11202. With respect to physically handicapped pupils given instruction at home or in a hospital or in the case of minors with speech disorders or defects who may be admitted at the age of three years for individual instruction at the school, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) of this code limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance for individual instruction during any fiscal year than the number of legal calendar days school may be maintained during such fiscal year.

(Amended by Stats. 1967, Ch. 1648.)

Cross Reference: For other provisions as to age and attendance, see Secs. 6812, 6809, 6813, 6812.5.

For minimum school day, see 5 California Administrative Code Sec. 1 et seq.

Annual Report of Attendance

11203. The attendance of all physically handicapped pupils given instruction by a school district, including those instructed under co-operative arrangements with the Bureau of Vocational Rehabilitation of the State Department of Education, shall be reported annually to the county superintendent of schools together with all other attendance on forms provided by the Superintendent of Public Instruction.

Cross Reference: For destruction of records, see 5 California Administrative Code Sec. 3001 et seq.

Credit for Attendance When Instructed by County Superintendent

11204. The attendance of physically handicapped pupils instructed by the county superintendent of schools pursuant to Section 8903 shall be credited as follows:

(a) The attendance of elementary school pupils taught in emergency elementary schools and in special classes shall be credited to the emergency schools.

(b) The attendance of elementary school pupils given individual instruction in the home or at the bedside in institutions and of minors with speech disorders or defects who are at least three years of age and of minors who are deaf or hard-of-hearing and between the ages of three and six years and given individual instruction, subject to the provisions of Section 6812, in school or in the home or by cooperative arrangements with the Division of Vocational Rehabilitation of the State Department of Rehabilitation or in remedial classes or in integrated programs of instruction shall be credited to an emergency elementary school maintained for physically handicapped pupils, if such a school is maintained in the county, or if no such school is maintained in the county the attendance shall be credited to an emergency elementary school maintained in the county, but not to more than one emergency elementary school. If no emergency school is maintained in the county, the total number of days of attendance of pupils shall be divided by 175 to compute average daily attendance, and the average daily attendance so computed shall be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children.

(c) The attendance of pupils of secondary grade given individual instruction in the home or in institutions or by cooperative arrangement with the Division of Vocational Rehabilitation of the State Department of Rehabilitation, or instructed in special classes of secondary grade or in remedial classes or in integrated programs of instruction of secondary grade pursuant to Section 8901, shall be credited to the county school service fund.

(d) The attendance of pupils taught by emergency teachers in the regular schools of the districts of any county shall be credited to the districts, except that the attendance of pupils taught by emergency teachers pursuant to Section 8902 in the regular elementary schools of the district of any county and the attendance of elementary pupils in remedial classes pursuant to Section 8901 shall be credited to the county school service fund in accordance with subdivision (b) of this section.

(e) The attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county, shall be credited to the county school service fund of the county, or district, in which the pupils are educated.

(f) If the county superintendent of schools maintains an integrated program of instruction as defined in Section 18060.2 and contracts with a school district to provide instruction for part of the day in the regular classes of the district, the total attendance of pupils in such program shall be credited to the county school service fund at both the elementary and secondary levels.

(Amended by Stats. 1959, Ch. 771, and by Stats. 1967, Ch. 1580.)

Cross Reference: For education of physically handicapped by county superintendent, see Sec. 894 et seq.

Average Daily Attendance of Educationally Handicapped Minors

11226. Attendance of educationally handicapped minors, as identified pursuant to Chapter 7.1 (commencing with Section 6750), Division 6, in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance. Each clock hour of teaching time devoted to individual instruction of educationally handicapped minors shall count as one day of attendance. The average daily attendance of all educationally handicapped minors shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

(Added by Stats. 1963, Ch. 2165.)

Attendance Credit for Home Instruction of Educationally Handicapped Minors

11227. With respect to educationally handicapped minors given instruction at home, in a hospital, or in a regularly established nonprofit, tax-exempt, licensed children's institution, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils, but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance for individual instruction during any fiscal year than the number of legal calendar days school may be maintained during such fiscal year.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1967, Ch. 1647 and Ch. 1648.)

Report to County Superintendent of Schools

11228. The attendance of all educationally handicapped minors given instruction by a school district shall be reported annually to the county superintendent of schools together with all other attendance on forms provided by the Superintendent of Public Instruction.

(Added by Stats. 1963, Ch. 2165.)

Crediting Attendance of Educationally Handicapped Minors

11229. The attendance of educationally handicapped minors instructed by the county superintendent of schools pursuant to Section 6751 shall be credited as follows:

(a) The attendance of elementary pupils taught in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for special class instruction of such pupils. The attendance of pupils of secondary grade in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency secondary school for special class instruction for such pupils.

(b) The attendance of elementary pupils in learning disability groups maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for learning disability group instruction of educationally handicapped minors. The attendance of pupils of secondary grade in learning disability groups maintained for educationally handicapped pupils shall be credited to the county school service fund as attendance upon a single emergency secondary school for learning disability group instruction of educationally handicapped minors.

(c) The attendance of elementary pupils given instruction in the home, hospital, or a regularly established licensed children's institution shall be credited to the county school service fund as attendance upon a single emergency elementary school for home, hospital, or a regularly established licensed children's institution instruction of educationally handicapped minors. The attendance of pupils of secondary grade given instruction in the home, hospital, or a regularly established licensed children's institution shall be credited to the county school service fund as attendance upon a single emergency secondary school for home, hospital, or a regularly established licensed children's institution instruction of educationally handicapped minors.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1967, Ch. 1647.)

Computation for Physically Handicapped Elementary Pupils

11551. The average daily attendance of physically handicapped elementary pupils given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

Cross Reference: For attendance credited to county school service fund, see Sec. 11204.

Computation for Physically Handicapped Secondary Pupils

11552. The average daily attendance of physically handicapped pupils of secondary grade given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

Cross Reference: For attendance credited to county school service fund, see Sec. 11204.

Computation for Mentally Retarded Minors

11553. The average daily attendance of mentally retarded minors given instruction by a county superintendent of schools shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund; provided, however, that the average daily attendance of mentally retarded minors coming within the provisions of Section 6903 for the purpose of computation of transportation allowances under Section 18060, subdivision (b), shall be computed by dividing the total number of days of attendance of such pupils during the fiscal year, including the days of attendance at an authorized summer session, by 175.

(Amended by Stats. 1965, Ch. 1336, and by Stats. 1967, Ch. 1547.)

Computation of Educationally Handicapped Elementary Minors

11555. The average daily attendance of educationally handicapped elementary minors given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

(Added by Stats. 1963, Ch. 2165.)

Computation of Educationally Handicapped Minors of Secondary Grade

11556. The average daily attendance of educationally handicapped minors of secondary grade given instruction by a county superintendent of school and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

(Added by Stats. 1963, Ch. 2165.)

Mental Examination

11801. Upon the report of the principal of a school that a pupil shows evidence of impaired mental health and that a mental examination is desirable, the governing body of the school district may, with the written consent of the pupil's parent or guardian provide for the mental examination of said pupil.

The principal shall not be liable for damages or for any civil or criminal penalty for any report made in good faith in carrying out the provisions of this section.

Rules to Secure Proper Care and Secrecy

11802. The governing board of any school district shall make such rules for the mental examination, as provided in Section 11801, of the pupils in the public schools under its jurisdiction as will insure proper care of the pupils and proper secrecy in connection with any condition of impaired mental health noted by the supervisor of health or his assistant and as may tend to the correction of such condition, and any such governing board may consult and co-operate with the Department of Mental Hygiene in formulating such rules. The Department of Mental Hygiene shall co-operate to the full extent of its capacities in aiding and assisting school districts in carrying out the duties imposed by this article (commencing at Section 11801).

Cross Reference: For giving out information on pupils, see Sec. 10751.

For executive session by school board, see Sec. 967.

For contracts for health services in schools and for supervision of school buildings and pupils, see Health and Safety Code, Sec. 485.

Report to Parent

11803. When evidence of impaired mental health has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will cure or correct the condition. Such report must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual or class of practitioner for the purpose of curing or correcting any condition referred to in the report.

The provisions of this section do not prevent a supervisor of health from recommending in a written report that the child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

Cross Reference: For mental health services, see Health and Safety Code, Sec. 420.

Written Consent of Parent Required for Psychiatric Treatment of Pupils

11804. Notwithstanding the provisions of any law authorizing or requiring an officer or employee with duties connected with the public schools to provide for or arrange for, or otherwise engage in any activity directed to providing for, the psychological or psychiatric treatment, or both, of a pupil enrolled in a public school, no officer or employee of a school district, nor any county superintendent of schools nor any of his employees, nor any member of a county board of education nor any of its employees shall place, or participate in placing, a pupil enrolled in a public school in any public or private agency, institution, or place, outside of the pupil's school of

attendance, for psychological treatment or psychiatric treatment, or both, unless the prior written consent of the parent or guardian to such placement and treatment is first obtained.

This section does not authorize any officer or employee to administer psychological or psychiatric treatment to a pupil either within the school of the pupil's attendance or at a place outside of such school without the written consent of the parent or guardian.

(Added by Stats. 1961, Ch. 2199.)

Contract for Mental Health Services

11805. The governing board of any school district may enter into a contract with a mental health clinic or child guidance clinic for the furnishing to the district by the clinic of mental health services for the pupils of the district. The use of the words "mental health" and "mental health services" in this section does not express or imply legislative intent with regard to other health services. The terms and conditions governing the providing of such services shall be set forth in the contract. No payment shall be made by the district for services performed by persons who do not possess a credential issued by the State Board of Education covering such service, except as provided in Sections 13293 to 13300, inclusive. When the conditions of the contract have been fulfilled, the cost of services rendered pursuant to such contract may be paid from the funds of the district. The governing board of any city, county, or district which maintains a public mental clinic or child guidance clinic or nonprofit health clinic is authorized to enter such an agreement.

(Added by Stats. 1963, Ch. 629; amended by Stats. 1968, Ch. 1048.)

Rules to Insure Proper Care and Secrecy

11821. The governing board of any school district shall make such rules for the examination of the pupils in the public schools under its jurisdiction as will insure proper care of the pupils and proper secrecy in connection with any defect noted by the supervisor of health or his assistant and may tend to the correction of the physical defect.

(Formerly Section 11901. Added by renumbering by Stats. 1968, Ch. 1048.)

Parent's Refusal to Consent

11822. **A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by the parent or guardian, stating that he will not consent to a physical examination of his child.** Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

(Formerly Section 11902. Added by renumbering by Stats. 1968, Ch. 1048.)

Sight and Hearing Test

11823. The governing board of any school district shall, subject to Section 11822, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district, or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the State Board of Education, or by contract with a duly authorized agency, or accredited schools or colleges of optometry, osteopathy, or medicine. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be purchased or rented by governing boards of school districts. The state, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

(Formerly Section 11903. Added by renumbering by Stats. 1968, Ch. 1048.)

Cross Reference: For eye-screening test of pupils, see 5 California Administrative Code Sec. 69.1. et seq.

Use of Audiometer

11824. A person employed by a school district in a position requiring certification qualifications who holds a valid special credential authorizing the teaching of lipreading or the teaching of the deaf and hard-of-hearing or a standard teaching credential with specialized preparation in the area of the deaf and hard-of-hearing or in the area of the speech and hearing handicapped may, subject to Section 11822, test the hearing of pupils of the district through the use of an audiometer for the purpose of detecting pupils with impaired hearing.

(Formerly Section 11904, as amended by Stats. 1963, Ch. 1033. Added by renumbering by Stats. 1968, Ch. 1048.)

Mandatory Examination of Visual Acuity

11825. Upon first enrollment of a child at school, or at the latest when the child reaches the third grade, the child's visual acuity shall be determined by the school nurse or other authorized person under Section 11823. This examination is to be made without cost to the parents. This examination may be waived, if the child's parents so desire, by their presenting of a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's visual acuity.

The provision of this section shall not apply to any child whose parents or guardian file with the principal of the school in which the child is enrolling, a statement in writing that they adhere to the faith or teachings of any well recognized religious sect, denomination or organization and in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

(Formerly Section 11905. Added by renumbering by Stats. 1968, Ch. 1048.)

Report to Parent

11826. (a) When a defect other than a visual defect has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will cure or correct the defect. Such report, if made in writing, must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual for the purpose of curing or correcting any defect referred to in the report.

(b) When a visual defect has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will correct the defect. Such report, if made in writing, must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual or class of practitioner for the purpose of correcting any defect referred to in the report.

(c) The provisions of this section do not prevent a supervisor of health from recommending in a written report that the child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

(Formerly Section 11906. Added by renumbering by Stats. 1968, Ch. 1048.)

Report to Governing Board

11827. The supervisor of health shall make such reports from time to time as he deems best to the governing board of the school district, or as the board may call for, showing the number of defective children in the schools of the district and the effort made to correct the defects.

(Formerly Section 11907. Added by renumbering by Stats. 1968, Ch. 1048.)

Duties Regarding Eye Protective Devices

12090. It shall be the duty of the governing board of every school district, and of every county superintendent of schools, and of every person, firm, or organization maintaining any private school, in this state, to equip schools with eye protective devices as defined in Section 12092, for the use of all students, teachers, and visitors when participating in the courses which are included in Section 12091. It shall be the duty of the superintendents, principals, or teachers charged with the supervision of any class in which any such course is conducted, to require such eye protective devices to be worn by students, teachers, and visitors under the circumstances prescribed in Section 12091.

(Added by Stats. 1965, Ch. 1891.)

Courses in Which Devices to Be Used; Substances and Activities Dangerous to Eyes

12091. The eye protective devices shall be worn in courses including, but not limited to, vocational or industrial arts shops or laboratories, and chemistry, physics or combined chemistry-physics laboratories, at any time at which the individual is engaged in, or observing, an activity or the use of hazardous substances likely to cause injury to the eyes.

Hazardous substances likely to cause physical injury to the eyes include materials which are flammable, toxic, corrosive to living tissues, irritating, strongly sensitizing, radioactive, or which generate pressure through heat, decomposition or other means as defined in the California Hazardous Substances Labeling Act.

Activity or the use of hazardous substances likely to cause injury to the eyes includes, but is not necessarily limited to, the following:

1. Working with hot molten metal.
2. Milling, sawing, turning, shaping, cutting, grinding and stamping of any solid materials.
3. Heat treating, tempering, or kiln firing of any metal or other materials.
4. Gas or electric arc welding.
5. Repairing or servicing of any vehicles, or other machinery or equipment.
6. Working with hot liquids or solids or with chemicals which are flammable, toxic, corrosive to living tissues, irritating, strongly sensitizing, radioactive, or which generate pressure through heat, decomposition, or other means.

(Added by Stats. 1965, Ch. 1891.)

Standards for Devices

12092. For purposes of this article the eye protective devices utilized shall be industrial quality eye protective devices which meet the standards of the American Standards Association Safety Code for Head, Eye and Respiratory Protection (Z2.1–1959), promulgated by the American Standards Association, Incorporated.

(Added by Stats. 1965, Ch. 1891.)

Sale of Devices at Cost to Pupils and Teachers

12093. The eye protective devices may be sold to the pupils and teachers at a price which shall not exceed the actual cost of the eye protective devices to the school or governing board.

(Added by Stats. 1965, Ch. 1891.)

Devices Not to Include Prescription Lenses

12094. The term eye protective devices as used in Sections 12090 to 12093 shall not include prescription lenses as defined in Chapter 5.4 (commencing with Section 2540), Division 2, Business and Professions Code.

(Added by Stats. 1965, Ch. 1891.)

Reports of Severance of Attendance of Retarded or Handicapped Children

12104. The administration of each private school and public school district of any county shall, upon the severance of attendance or the denial of admission of any child who is physically handicapped, mentally retarded, or multiple handicapped but is otherwise subject to the compulsory education laws of California, report such severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 schooldays to the county superintendent of schools in the jurisdiction. The report shall include names, ages, last known address, and the reason for such severance, expulsion, exclusion, exemption, transfer, or suspension.

It shall be the duty of the county superintendent of such county to examine such reports and draw to the attention of the county board of education and local district board of education any cases in which the interests of the child or the welfare of the state may need further examination.

After preliminary study of available information in cases so referred to it, the county board of education may, on its own action, hold hearings on such cases in the manner provided in Education Code Section 10608 and with the same powers of final decision as therein provided.

(Added by Stats. 1967, Ch. 207.)

Classes of Children Exempted

12151. The classes of children described in this article (Sections 12151 to 12156, inclusive, and Section 12160), shall be exempted by the proper school authorities from the requirements of attendance upon a public full-time day school.

Physical or Mental Condition

12152. Children whose physical or mental condition is such as to prevent, or render inadvisable attendance at school or application to study shall be exempted, but the governing board of the school district may require satisfactory evidence of the condition to be furnished.

Cross Reference: For pupil exclusion, see Sec. 10553.

For definition of handicapped child, see Health and Safety Code Sec. 250.

Certain Mentally Gifted Children

12154.5. Children who are mentally gifted and who are being instructed in a private full-time day school by persons capable of teaching, where all or part of the courses of instruction required to be taught in the public schools of this state is taught in a foreign language with not less than 50 percent of the total daily instructional time taught in the English language, shall be exempted. The attendance of the pupils shall be kept pursuant to Section 12154.

(Added by Stats. 1965, Ch. 1767.)

Blind or Deaf Children

12156. Any child who is blind or deaf or partially blind or deaf to an extent which renders him incapable of receiving instruction in the regular elementary or secondary schools, but whose mental condition is such as to permit application to study shall be exempted from the provisions of this chapter (commencing at Section 12101), only when he is resident of a city, city and county, or school district which does not maintain special classes for the admission of such pupils and when he may not be admitted to the State School for the Blind, or the State School for the Deaf, but he shall be exempted only upon the written approval of the superintendent of schools of the county.

Cross Reference: For schools and classes for blind or deaf children, see Secs. 8901, 9155, 25601, 25851.

For compulsory education for deaf children, see Sec. 12801.

Special Instruction for the Deaf

12801. Every parent, guardian, or other person having control of any minor over five years of age and less than 20 years of age who, by reason of deafness or impaired hearing, is unable to benefit materially by the methods of instruction in use in the public schools, shall send the minor to a school or class for the deaf maintained by a school district or by the State for the full time for which the school or class is in session. The minor shall attend the school or class year after year until completion of the prescribed course of study or until discharged for good reason by the principal or other person in charge of the school or class with the approval of the governing board.

Cross Reference: For exemptions of deaf children, see Sec. 12156.

Report of Physician

12802. Every attending or consulting physician who examines any child under 20 years of age found to be totally deaf, or with impaired hearing, as defined by the State Board of Education, shall report at once to the Department of Education the name, age, residence, and the name of the parent or guardian of the minor.

Cross Reference: For definition of handicapped child, see Health and Safety Code Sec. 250.

Restricted Service Credential; Specific Provisions for Teachers of Mentally Retarded Minors

13151. The State Board of Education may issue credentials restricting the service authorized by such credentials to service in the schools or classes specified on the credential.

The State Board of Education shall issue credentials restricting the service authorized by such credentials to service as a teacher in special schools or classes of mentally retarded minors coming within Education Code Section 6903. The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the State Board of Education and such specialized and professional preparation as the State Board of Education may require. The State Board of Education shall not require applicants for the credential to complete a major or a minor in an academic subject matter area.

(Amended by Stats. 1965, Ch. 678, and, in identical language, by Stats. 1967, Ch. 911 and Ch. 1211.)

Restricted Service Credential; Areas of Specialization

13152. The State Board of Education shall issue credentials restricting the service authorized by such credentials to service on all grade levels in one of the following areas of specialization:

(1) Service as a speech and hearing specialist.

(2) Service as a teacher of handicapped children, other than minors coming within the provisions of Section 6903 of this code, in areas other than those involving speech and hearing handicaps.

The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the State Board of Education, a fifth year or its equivalent in college or university education to be completed within seven years of the first employment under this credential, and such specialized and professional preparation as the State Board of Education may require. A major or minor in an academic subject matter area shall not be required.

In adopting the necessary rules and regulations, the State Board of Education shall emphasize appropriate professional specialized preparation at both the undergraduate and postbaccalaureate level, and supervised participation as a speech and hearing specialist or student teacher of exceptional children or equivalent experience in the public schools or institutions or private schools or institutions of equivalent status.

(Repealed by Stats. 1963, Ch. 1033; added in identical language by Stats. 1967, Ch. 911 and Ch. 1211.)

13153–13156. (Repealed by Stats. 1963, Ch. 1033.)

"Academic Subject Matter Area," "Specialized Preparation," and "Degree" Defined

13188. As used in this article:

(a) "Academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, and the fine arts. The State Board of Education may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and the content of such courses within the major are equivalent to those of an academic subject matter major.

(b) "Specialized preparation" means training and education designed to prepare a person to serve as a librarian and to teach librarianship or to serve as a teacher of exceptional children, as designated on the credential.

(c) "Degree" includes any certificate, diploma, or other document granted by a foreign institution of higher learning, regardless of its degree or graduation policies, which is certified by the State Board of Education as representing academic qualifications and standards equivalent to those of a degree granted by universities and colleges in the United States and fulfilling the academic requirements for a California teaching credential.

(Added by Stats. 1961, Ch. 848; repealed by Stats. 1963, Ch. 317; added by Stats. 1963, Ch. 1033; amended by Stats. 1967, Ch. 1249.)

Minimum Requirements for Standard Teaching Credential With Specialization in Elementary Teaching

13189. The minimum requirements for the standard teaching credential with a specialization in elementary teaching shall be all requirements specified in (a), (b), either (c) or (d), and (e):

(a) Five years (with the fifth year to be completed within seven years of the first employment of the certificated employee in elementary teaching), or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(c) One of the following:

(1) A major in an academic subject matter area commonly taught in the public elementary schools. The State Board of Education may define a diversified major in academic subject areas commonly taught in the public elementary schools to fulfill this requirement.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public elementary schools, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public elementary schools and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (c).

(d) A diversified major, hereby declared to be an academic subject matter major, totaling 88 semester hours of coursework in the enumerated subject matter areas, with a minimum of 21 semester hours in each of the first four areas. Four semester hours of coursework meets the health science requirement.

(1) English, including grammar, literature, composition, and speech.

(2) Mathematics and the physical or life sciences.

(3) Social sciences (other than education and education methodology).

(4) Humanities and fine arts, including foreign language.

(5) Health science.

Coursework in the listed fields taken in fulfillment of any other requirements that may be specified by the State Board of Education pursuant to subdivision (e) shall be credited toward this major. Notwithstanding any additional requirements as may be prescribed by the State Board of Education, the academic subject matter requirements set forth in this subdivision (d) shall constitute the total of such requirements for the standard teaching credential with a specialization in elementary teaching and with a diversified major as defined in this subdivision (d).

Notwithstanding any provisions of this section to the contrary, the Trustees of the California State Colleges, upon the recommendation of the chancellor, may approve a major in education, provided that such major meets the requirements of the diversified major as set forth in this subdivision (d) and that all coursework used to meet such requirements be provided in the several academic schools or departments, other than the school or department of education or educational methodology, of the institution. In addition to such major in education, a major in a subject matter area commonly taught in the public elementary schools shall be completed within the fifth academic year required in subdivision (a) of this section.

(e) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirements shall include provisions for specialized preparation whenever the credential authorizes any service described in Section 13188(b).

(f) All public institutions of higher learning authorized to recommend the issuance of the standard teaching credential with specialization in elementary teaching shall offer courses meeting the minimum state requirements for professional preparation, including student teaching, in the upper division of their course offerings.

(Added by Stats. 1961, Ch. 848; amended by Stats. 1963, Ch. 904, by Stats. 1965, Ch. 1850, and by Stats. 1968, Ch. 919 and Ch. 1268.)

Service Authorized by Standard Teaching Credential With Specialization in Elementary Teaching

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to:

(a) Teach, in kindergarten or grades 1 to 9, inclusive, except courses in special education, as follows:

(1) A person with an academic major may teach any subject in kindergarten and in grades 1 to 9, inclusive, in a self-contained class. He may teach in a departmentalized class in grades 7, 8, and 9 any subject in which he has 18 semester hours of course work when the governing board of the district maintaining such grades by resolution specifically authorizes him to teach the subject. The authorization of the governing board shall remain valid for one year and may be renewed annually.

For the purposes of this section: a "self-contained class" is a class in which most of the subjects in one grade are taught by one teacher; and a "departmentalized class" is a class in which one subject or one group of closely related subjects, is taught by one teacher.

(2) A person with other than an academic major may teach in kindergarten or in grades 1 to 9, inclusive, only in subject matter areas in which he has a major or a minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten or in grades 1 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

(e) Teach, in continuation education classes, in continuation high schools, or in high schools, elementary-level reading.

(Added by Stats. 1961, Ch. 848; amended by Stats. 1965, Ch. 1850, by Stats. 1967, Ch. 760, and by Stats. 1968, Ch. 919 and Ch. 1255.)

Minimum Requirements for Standard Teaching Credential With Specialization in Secondary Teaching

13191. The minimum requirements for the standard teaching credential with a specialization in secondary teaching shall be five years, or its equivalent, of university or college education, including each of the following:

(a) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(b) One of the following:

(1) A major in an academic subject matter area commonly taught in the public high schools.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public high schools, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public high schools and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (b).

(c) One year of college or university education in addition to the requirements for a baccalaureate degree secured in an institution approved by the State Board of Education.

(d) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirements shall include provisions for specialized preparation whenever the credential authorizes any service described in Section 13188(b).

(Added by Stats. 1961; Ch. 848; amended by Stats. 1963, Ch. 904, and by Stats. 1965, Ch. 1850.)

Service Authorized by Standard Teaching Credential With Specialization in Secondary Teaching

13192. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:

(a) Teach, in grades 7 to 12, inclusive, any course, except in special education, in which the holder has completed a subject matter major or subject matter minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten and grades 1 to 14, inclusive, any courses in which the holder has completed a specialized area of preparation.

(d) Teach, in grades 7 to 12, inclusive, any courses, except courses in special education, that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board; except that a holder may teach only any of those subjects commonly taught in the public high schools in which he has completed 18 or more semester hours of coursework. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the the governing board.

(e) Teach, in grades 13 and 14 any course, except courses in special education, in which the holder has completed a subject matter major or minor that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(f) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

Nothing in this section shall be construed to prohibit the holder of a standard credential specializing in secondary teaching with a major or minor in music or art, from teaching music or art in the elementary grades of a school district.

(Added by Stats. 1961, Ch. 848; amended by Stats. 1965, Ch. 253 and Ch. 1850, and by Stats. 1968, Ch. 919.)

Minimum Requirements for Standard Teaching Credential With Specialization in Junior College Teaching

13193. The minimum requirements for the standard teaching credential with a specialization in junior college teaching shall be five years, or its equivalent, of college or university education in an institution approved by the State Board of Education, including each of the following:

(a) One of the following:

(1) A major in an academic subject matter area commonly taught in the public junior colleges.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public junior colleges, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public junior colleges and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (a).

(b) A master's degree, a doctor's degree, or other postgraduate degree approved by the State Board of Education

requiring not less than five years of college or university education secured in an institution approved by the State Board of Education.

(c) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent. Such additional requirements shall include provisions for a specialized preparation whenever the credential authorizes any service described in Section 13188(b).

(Added by Stats. 1961, Ch. 848; repealed by Stats. 1963, Ch. 317; added by Stats. 1963, Ch. 1033; amended by Stats. 1965, Ch. 1850.)

Service Authorized by Standard Teaching Credential With Specialization in Junior College Teaching

13194. The standard teaching credential with a specialization in junior college teaching shall authorize the holder to:

(a) Teach, in grades 11 to 14, inclusive, any courses in which the holder has completed a subject matter major, except that the holder of such credential shall not be authorized to teach in grades 11 or 12 any courses except as specified in subdivision (d) unless he has completed a course of practice teaching in any grade 9 to 12, inclusive, or its equivalent.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in grades 13 and 14, courses in which the holder has completed a subject matter minor if the governing board of the district specifically authorizes the holder to teach such courses by resolution adopted by the governing board. The authorization may be renewed annually by resolution of the governing board.

(d) Teach, in kindergarten and in grades 1 to 14, inclusive, courses in which the holder has completed a specialized area of preparation.

(e) Serve as a librarian in an elementary school, junior high school, high school, or junior college if the holder has completed the specialized preparation area of librarianship.

(Added by Stats. 1961, Ch. 848; repealed by Stats. 1963, Ch. 317; added by Stats. 1963, Ch. 1033; amended by Stats. 1965, Ch. 1850.)

Minimum Requirements for Standard Designated Services Credential With Specialization in Health; Services Authorized by Credential

13197. The minimum requirements for the standard designated services credential with a specialization in health shall be five (5) years, or its equivalent, of college or university education, or five (5) years of professional preparation approved by the State Board of Education, and which education or preparation shall include each of the following:

(a) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(b) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

The standard designated services credential with a specialization in health shall authorize the holder to perform, at all grade levels, the health service approved by the State Board of Education as designated on the credential. Services as an audiometrist, occupational therapist, or physical therapist are not deemed health services within the meaning of this section.

(Added by Stats. 1961, Ch. 848; amended by Stats. 1963, Ch. 500 and Ch. 1033.)

Issuance of Credential With Specialization in Librarianship or Exceptional Children

13197.55. The State Board of Education may issue a standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching to any person who holds a regular general elementary, secondary, or junior college teaching credential and who has completed the specialized preparation described in subdivision (b) of Section 13188. This credential shall authorize service at any educational level in the public schools, but only as a librarian or as a teacher of exceptional children in the area of specialized preparation completed by the applicant.

(Added by Stats. 1965, Ch. 673.)

Qualifications for School Audiometrist

13300. The qualifications for an audiometrist working under the direction of health services personnel pursuant to Section 11751 shall be a valid certificate or license issued by, or valid registration with, the California state agency authorized by law to issue the certificate or license, or to effect the registration, required for performance of the service.

(Amended by Stats. 1963, Ch. 1033.)

For employment of audiometrist, see Health and Safety Code, Secs. 1685, 1686.

Short Title

13599. This article may be cited as the Instructional Aide Act of 1968. The provisions of this article shall apply to personnel referred to in Sections 931.5, 6458, 6481.5, 6481.6, 6499.5, 13253, 13253.5, and 16625.01 of this code or any other section heretofore or hereafter enacted, who perform the duties of instructional aides.

(Added by Stats. 1968, Ch. 1425.)

Legislative Intent

13599.1. The Legislature recognizes the need to provide classroom teachers and other certificated personnel with more time to teach and to provide the means for them to utilize their professional knowledge and skills more effectively in the educational programs of the public schools. It is the intent of the Legislature to authorize the employment of instructional aides in order that classroom teachers and other certificated personnel may draw upon the services of such aides to assist them in ways determined to be useful in improving the quality of educational opportunities for pupils.

(Added by Stats. 1968, Ch. 1425.)

Instructional Aide Positions; Titles

13599.2. Instructional aides shall not be utilized to increase the number of pupils in relation to the number of classroom teachers in any school, any school district, or in the state.

All instructional aide positions in a school district shall be assigned the basic title of "instructional aide." To provide for differences in responsibilities and duties, additions to the basic title may be assigned such as "instructional aide I or II" or "instructional aide—volunteer," or other appropriate title designated by the governing board.

(Added by Stats. 1968, Ch. 1425.)

Definitions

13599.3. (a) As used in this article, "instructional aide" means a person employed to assist classroom teachers and other certificated personnel in the performance of their duties and in the supervision of pupils and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher.

(b) "Any school district" means a school district or a county superintendent of schools who employs classroom teachers in the public schools.

(Added by Stats. 1968, Ch. 1425.)

Duties; Qualifications

13599.4. (a) Subject to the provisions of this article, any school district may employ instructional aides to assist classroom teachers and other certificated personnel in the performance of duties as defined in Section 13599.3. An instructional aide shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to pupils. An instructional aide need not perform such duties in the physical presence of the teacher but the teacher shall retain his responsibility for the instruction and supervision of the pupils in his charge.

(b) Educational qualifications for instructional aides shall be prescribed by the school district employer and shall be appropriate to the responsibilities to be assigned.

(Added by Stats. 1968, Ch. 1425.)

Information Concerning Pupils

13599.5. Notwithstanding the provisions of Section 10751, no instructional aide shall give out any personal information concerning any pupil who is not his own child or ward, except under judicial process, to any person other than a teacher or administrator in the school which the pupil attends. A violation of this section may be a cause for disciplinary action, including dismissal.

(Added by Stats. 1968, Ch. 1425.)

Prerequisite to Supervision and Direction of Instructional Aides

13599.6. Classroom teachers and other certificated personnel shall not be required to hold a standard supervision credential or a standard administration credential as a prerequisite to the supervision and direction of instructional aides.

(Added by Stats. 1968, Ch. 1425.)

Apportionment Purposes; Classified Employees

13599.7. (a) An instructional aide shall not be deemed a certificated employee for the purposes of apportioning state aid and no regrouping of pupils with instructional aides shall be construed as a class for apportionment purposes.

(b) Instructional aides shall be classified employees of the district, and shall be subject to all of the rights, benefits, and burdens of the classified service, except as specified in Section 13581.2 for "restricted" positions.

(Added by Stats. 1968, Ch. 1425.)

Compensation

13599.8. The school district shall pay to each person employed as an instructional aide compensation at a rate not less than the minimum hourly rate prescribed by federal law.

(Added by Stats. 1968, Ch. 1425.)

Volunteers

13599.9. Notwithstanding the provisions of this article, or any other provisions of law, a school district may utilize volunteers in the supervision and instruction of pupils, but any such volunteer shall be subject to the provisions of Section 931.5 and this article.

(Added by Stats. 1968, Ch. 1425.)

Employment After Retirement

14376. Any person who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a teacher who provides remedial instruction, or as a home teacher, or as a hospital teacher, or as a curriculum writer or consultant in a field in which he is specially qualified, or as a teacher in a rest home for the aged, or in a community center, or pursuant to Section 25558 or 25804 as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, and may be paid not to exceed two thousand five hundred dollars ($2,500) in any one fiscal year. Such employment shall not operate to reinstate the person as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be reemployed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools, or in the case of a person to be employed as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, filed with the State Department of Education, shall be conclusive evidence of his passing the physical examination required by this section.

(Amended by Stats. 1959, Ch. 877 and Ch. 1072, by Stats. 1963, Ch. 327 and Ch. 1644, and by Stats. 1967, Ch. 796 and Ch. 1102.)

Emergency Closing of Child Care Centers; State Apportionments

16618.5. Whenever a school district or county superintendent of schools is required to temporarily close a children's center maintained under this article or a child care center for mentally retarded or physically handicapped minors maintained under Article 2 of this chapter, because of fire, flood, epidemic, an order described in Section 17553, or other emergency, the Superintendent of Public Instruction shall determine the approximate amounts of state funds which would have been apportioned under the applicable provisions of this chapter to the school district or county superintendent for the period involved if there had been no such closure. The amount so determined shall be apportioned to the school district or county superintendent of schools, provided that the fact of such closure has been established to the satisfaction of the Superintendent of Public Instruction by the affidavits of the county superintendent of schools and of the members of the governing board of any school district involved. The amount so determined shall be apportioned to the school district or county superintendent of schools even though no fee is charged or collected from parents of children who attend such center.

(Added by Stats. 1967, Ch. 1541.)

Note: Stats. 1967, Ch. 1541, also contained the following provision:

SEC. 2. This act shall be operative with respect to emergency closures of children's centers which occurred after July 1, 1965.

Legislative Purpose

16645.1. The purpose of the Legislature in enacting this article is to continue these development centers for physically handicapped and mentally retarded minors having successfully demonstrated that there is a need for such facilities to help these children from an earlier age, that such development centers prevent the breakup of homes through respite from continuous 24-hour care of severely handicapped minors, that such development centers effectively relieve parents to engage in work, that the centers reduce significantly the demand for institutional placement, and that the centers are accessible to families without causing the physical dislocation of minors from their families.

(Added by Stats. 1959, Ch. 2096; repealed and added by Stats. 1965, Ch. 1235; amended by Stats. 1967, Ch. 1538.)

Establishment of Development Centers

16645.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded minors between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for physically handicapped and mentally retarded minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

(Added by Stats. 1959, Ch. 2096; amended by Stats. 1963, Ch. 2047, by Stats. 1965, Ch. 1235, by Stats. 1966 (1st Ex. Sess.) Ch. 101, and by Stats. 1967, Ch. 1538.)

Note: Section 16645.2 as amended by Stats. 1966 (1st Ex. Sess.), Ch. 101, effective from October 8, 1966, to November 8, 1967, reads:

16645.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded minors between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

Nothing in this section shall be construed as vesting in the county superintendent of schools any authority to alone effect the levy and collection of any county, school, or other local taxes for the support of any such development center for physically handicapped and mentally retarded minors.

The establishment and maintenance of any development center for physically handicapped and mentally retarded minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district. Not more than 16 centers shall be established pursuant to this section.

Definitions

16645.3. As used in this article (commencing at Section 16645.1) "parent" includes any person having legal custody of a child, "child care center" means a development center for mentally retarded and physically handicapped children, "governing board of any school district" includes a county board of education, and "school district" includes a county superintendent of schools, unless a different meaning clearly appears from the context.

(Added by Stats. 1959, Ch. 2096; amended by Stats. 1963, Ch. 2047, and by Stats. 1967, Ch. 1538.)

Standards

16645.4. The Superintendent of Public Instruction shall establish and enforce reasonable and uniform standards for development centers for handicapped minors, and shall establish standards for the admission of a child. He may change the standards whenever he deems it advisable.

(Added by Stats. 1959, Ch. 2096; amended by Stats. 1967, Ch. 1538.)

Interdistrict Attendance

16645.5. A governing board maintaining a development center may accommodate in the center children residing in another district upon such terms and under such conditions as may be agreed upon by the governing boards of both districts. Such terms and conditions shall include the payment of the cost required or authorized to be paid from the district general fund or a special development center tax levied by the operating district. The amount shall be paid from any funds of the contracting school district available for that purpose.

(Added by Stats. 1959, Ch. 2096; amended by Stats. 1963, Ch. 2047, and by Stats. 1967, Ch. 1538.)

Use of District Property and Personnel

16645.6. The governing board may permit the use of, and furnish maintenance for, buildings, grounds, and equipment of the district, and may use existing administrative personnel for the purposes of this article (commencing at Section 16645.1).

(Added by Stats. 1959, Ch. 2096.)

Agreements

16645.7. The governing board may enter into agreements with any city, county, or city and county or other public agency for the furnishing to, or use by, the governing board in carrying out the provisions of this article (commencing at Section 16645.1), of property, facilities, personnel, supplies, equipment and other necessary items, and such city, county, city and county, or other public agency is authorized to enter into such agreements.

(Added by Stats. 1959, Ch. 2096.)

Apportionment of State Funds

16645.8. The Superintendent of Public Instruction shall apportion state funds to the districts or county superintendents of schools in such amounts as are necessary for the operation of such development centers, except that in no event shall the amount apportioned exceed the sum obtained by multiplying one dollar and seventy-five cents ($1.75) and the number of hours of child attendance earned by such center.

(Formerly 16645.11, added by Stats. 1959, Ch. 2096; amended by Stats. 1961, Ch. 2141, by Stats. 1963, Ch. 2047, and by Stats. 1965, Ch. 1235; amended and renumbered by

Tax Levy and Use of Tax Funds

16645.9. Pursuant to Sections 20501 to 21001 inclusive, the governing board of any school district or county superintendent of schools maintaining a development center may include in its budget the amount necessary to carry out its program pursuant to this article (commencing at Section 16645.1) and the board of supervisors shall levy a school district tax or county tax necessary to raise such amount. The tax shall be in addition to any other school district tax or county tax authorized by law to be levied.

Funds derived from such tax may be expended in addition to state funds, and shall not operate to affect the operation of the formula for apportioning state funds provided for in Section 16645.8.

Any tax funds raised pursuant to this section may be used to purchase land or buildings, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for a development center.

(Formerly 16645.12, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Amended by Stats. 1968, Ch. 328. Former 16645.9, added by Stats. 1959, Ch. 2096; amended by Stats. 1961, Ch. 2141, by Stats. 1963, Ch. 2047, and by Stats. 1965, Ch. 1235; repealed by Stats. 1967, Ch. 1538.)

Note: Stats. 1961, Ch. 2141, also contained the following provision:
SEC. 3. This act shall be known as "The James J. McBride Act."

Maintenance of Development Center Through Contract

16645.10. Any school district the governing body of which has entered into a contract with the county superintendent of schools for the establishment of a development center for physically handicapped and mentally retarded minors pursuant to Section 16645.2 shall be deemed for the purpose of Section 16645.9 to be maintaining a development center.

(Formerly 16645.12a, added by Stats. 1963, Ch. 2047; amended by Stats. 1965, Ch. 1235; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.10, added by Stats. 1959, Ch. 2096; repealed by Stats. 1967, Ch. 1538.)

Establishment of Fund

16645.11. The governing board shall establish in the county treasury a fund to be known as the "development center for handicapped minors fund" into which shall be paid all funds received by the district for, or from the operation of, development centers established under this article (commencing at Section 16645.1). The costs incurred in the maintenance and operation of development centers shall be paid from the fund, except that any contributions, other than those described in Section 16645.11a, authorized or required to be paid by the district on account of services of employees of a development center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Section 16645.9, or derived from moneys apportioned to the district for the support of the schools thereof except state moneys expressly appropriated from the General Fund for the support of development centers, may be expended for, or in connection with, a development center.

(Formerly 16645.13, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538; amended by Stats. 1968, Ch. 1373. Effective August 16, 1968. See note following Section 16603. Former 16645.11 amended and renumbered 16645.8 by Stats. 1967, Ch. 1538.)

Contributions to Retirement System

16645.11a. Contributions authorized or required by law to be paid by the district to a retirement system on account of services of employees of a development center rendered in connection with development center services furnished to persons participating in a work incentive program pursuant to Section 432 of the Social Security Act, as described in subdivision (j) of Section 16603, shall be paid from the development center fund.

(Added by Stats. 1968, Ch. 1373. Effective August 16, 1968. See note following Section 16603.)

Adjustment of Apportionment

16645.12. If during any fiscal year there is apportioned to the "development center fund" more or less than the amount to which the fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment during such next or succeeding year, the amount of such excess or deficiency.

(Formerly 16645.14, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.12 amended and renumbered 16645.9 by Stats. 1967, Ch. 1538.)

16645.12a. (Added by Stats. 1963, Ch. 2047; amended by Stats. 1965, Ch. 1235; amended and renumbered 16645.10 by Stats. 1967, Ch. 1538.)

Federal funds

16645.13. The State Department of Education is hereby authorized to accept funds from the Government of the United States and to apportion them to the governing board of such school districts as conduct development centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this article (commencing at Section 16645.1) and all such funds may be accepted subject to such conditions as will further the purposes of this article (commencing at Section 16645.1).

(Formerly 16645.15, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.13; amended and renumbered 16645.11 by Stats. 1967, Ch. 1538.)

Employment Permits

16645.14. The Superintendent of Public Instruction shall establish standards for the issuance of permits for persons to be employed in development centers established under this article (commencing at Section 16645.1). Such standards may be changed from time to time, but changes therein shall not affect then valid permits issued to persons.

(Formerly 16645.17, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.14 amended and renumbered 16645.12 by Stats. 1967, Ch. 1538.)

Employees

16645.15. The governing board shall employ in a development center only such persons who hold credentials issued by the State Board of Education or permits issued by the Superintendent of Public Instruction. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in development centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and training of children or supervision of a development center program. Each person employed by the governing board of a school district for a position requiring a credential or permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid credential or permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed credential or permit in the same manner. A school district or a county superintendent of schools maintaining one or more development centers shall designate one person in each center to serve as a supervising head teacher. Such supervising head teacher shall hold a valid credential to teach exceptional children.

(Formerly 16645.18, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538; amended by Stats. 1968, Ch. 410. Former 16645.15 amended and renumbered 16645.13 by Stats. 1967, Ch. 1538.)

Employees' Status

16645.16. Each person employed in a development center in a position requiring certification shall be subject to the same rules and regulations and eligible for the same benefits as provided for all teachers within the school district maintaining the center. Other personnel employed by a school district or a county superintendent of schools in a development center under the provisions of this article (commencing at Section 16645.1) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications; provided, however, that any person who is a member of the State Teachers' Retirement System because of employment to perform duties which are requisite for membership and who subsequently is employed by a school district or a county superintendent of schools in a development center under the provisions of this article (commencing with Section 16645.1) shall continue to be a member of the State Teachers' Retirement System with respect to his duties as such employee in such a development center upon assuming such duties, unless he elects by a writing filed in the office of the State Teachers' Retirement System within 90 days after such entry, not to continue as a member with respect to his new duties. The provisions of this section shall apply with equal effect to any member who shall have been employed by a school district or county superintendent of schools in a development center under the provisions of this article prior to the effective date of this section. Continuance of his membership in the State Teachers' Retirement System of any person so employed prior to the effective date of this section, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as such employment is concerned, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by the State Teachers' Retirement System to the member's latest address on file in the office of said system, not to be a member of the system with respect to the duties which, but for the provisions of this section, otherwise would not be so requisite for membership therein.

(Formerly 16645.19, added by Stats. 1959, Ch. 2096; amended by Stats. 1963, Ch. 36, and by Stats. 1964 (1st Ex. Sess.), Ch. 80; amended and renumbered by Stats. 1967, Ch. 1538; amended by Stats. 1968, Ch. 410. Former 16645.16, added by Stats. 1959, Ch. 2096; repealed by Stats. 1967, Ch. 1538.)

Rules of Governing Board

16645.17. The governing board may adopt such reasonable rules and regulations governing the development center or centers maintained by it as are not in conflict with law or the standards and regulations established for development centers by the Superintendent of Public Instruction. The rules and regulations adopted by the governing board may include, among others, rules and regulations relating to the admission of children to, and their exclusion from, such center or centers.

(Formerly 16645.20, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.17 amended and renumbered 16645.14 by Stats. 1967, Ch. 1538.)

Medical Examination Exemption

16645.18. No standard, rule or regulation shall require medical examination or immunization for admission to a development center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist.

(Formerly 16645.21, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.18 amended and renumbered 16645.15 by Stats. 1967, Ch. 1538.)

Absences

16645.19. Children regularly enrolled in a development center who are absent on account of illness or quarantine shall be considered to be in regular attendance for the number of hours per day for which they are enrolled for the purpose of reporting attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction.

(Formerly 16645.22, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.19 amended and renumbered 16645.16 by Stats. 1967, Ch. 1538.)

Discontinuance of Center

16645.20. Any development center may be discontinued at any time at the discretion of the governing board of the district upon the giving of the notice herein prescribed.

Not less than 30 days before the discontinuance of a development center the governing board shall mail to each person having custody of a child in attendance at such development center a notice of the intended discontinuance of the development center and the date the discontinuance will become effective, and shall post a similar notice at the development center.

(Formerly 16645.23, added by Stats. 1959, Ch. 2096; amended by Stats. 1965, Ch. 1235; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.20 amended and renumbered 16645.17 by Stats. 1967, Ch. 1538.)

Funds

16645.21. Any unencumbered balance remaining in a district "development center for handicapped minors fund" may be deposited in the general fund of the school district one year after the discontinuance of its child care center program pursuant to Section 16645.20.

(Formerly 16645.24, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.21 amended and renumbered 16645.18 by Stats. 1967, Ch. 1538.)

Insurance

16645.22. The governing board shall insure against the liability, other than a liability which may be insured against under Division 4 of the Labor Code, imposed upon the district by any law of this state, in any insurance company authorized to do business in this state. The cost of such insurance shall be paid out of the "development center for handicapped minors fund" of the district.

(Formerly 16645.25, added by Stats. 1959, Ch. 2096; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.22 amended and renumbered 16645.19 by Stats. 1967, Ch. 1538.)

Advisory Committee

16645.23. An Advisory Committee on Development Care Centers for mentally retarded and physically handicapped minors shall be established to aid in setting standards for admission to centers, and to advise the Department of Education in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the

Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped minor to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

(Formerly 16645.26, added by Stats. 1959, Ch. 2096; amended by Stats. 1961, Ch. 640, and by Stats. 1965, Ch. 1235; amended and renumbered by Stats. 1967, Ch. 1538 and Ch. 1656. Former 16645.23 amended and renumbered 16645.20 by Stats. 1967, Ch. 1538.)

Transportation

16645.24. The governing board of any school district, or any county superintendent of schools, may provide for the transportation of children between their homes and the center attended by them as provided by a school district. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools an amount equal to the current expense of transporting severely handicapped children, but not to exceed the cost of six hundred seventy-five dollars ($675), for each unit of average daily attendance in a development center per year resulting from the attendance of such children transported between home and the center. Average daily attendance as used herein shall be determined on the basis of 250 days per year.

(Formerly 16645.28, added by Stats. 1963, Ch. 2047; amended by Stats. 1965, Ch. 1235; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.24 amended and renumbered 16645.21 by Stats. 1967, Ch. 1538.)

Consultant Services

16645.25. The Superintendent of Public Instruction shall provide coordinative, consultant, and supervisory services for programs for development centers for handicapped minors and shall employ personnel who shall devote their entire time to the provision of such services.

(Formerly 16645.29, added by Stats. 1965, Ch. 1235; amended and renumbered by Stats. 1967, Ch. 1538. Former 16645.25 amended and renumbered 16645.22 by Stats. 1967, Ch. 1538.)

16645.26. (Added by Stats. 1959, Ch. 2096; amended by Stats. 1961, Ch. 64, and by Stats. 1965, Ch. 1235; amended and renumbered 16645.23 by Stats. 1967, Ch. 1538 and Ch. 1656.)

16645.27. (Added by Stats. 1959, Ch. 2096; repealed by Stats. 1967, Ch. 1538.)

16645.28. (Added by Stats. 1963, Ch. 2047; amended by Stats. 1965, Ch. 1235; amended and renumbered 16645.24 by Stats. 1967, Ch. 1538.)

16645.29. (Added by Stats. 1965, Ch. 1235; amended and renumbered 16645.25 by Stats. 1967, Ch. 1538.)

Uniform Cost Accounting Procedure to Determine Excess Cost Reimbursement for Handicapped Minors

17200.5. For purposes of determining excess cost reimbursements pursuant to Chapters 7.1, 8 and 9 of Division 6 of this code, the Superintendent of Public Instruction shall require the use of a uniform cost accounting procedure, as set forth in Part VI, Program Cost Accounting, of the California School Accounting Manual.

(Added by Stats. 1965, Ch. 1952; amended by Stats. 1967, Ch. 1254.)

Schedule of Additional Appropriations

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to one dollar and sixty cents ($1.60) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Twelve dollars and eighty-five cents ($12.85), multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Articles 11, 12 and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division.

(d) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) Ninety-six cents ($0.96), multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) Sixty dollars and sixty-seven cents ($60.67) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(Added by Stats. 1961, Ch. 887; amended by Stats. 1963, [illegible] 1963 and Ch. 2163, by Stats. 1963 (1st Ex. Sess.), Ch. 14, [illegible] Stats. 1964 (1st Ex. Sess.), Ch. 132, by Stats. 1965, Ch. [illegible], and by Stats. 1967, Ch. 1209. Effective August 15, 1967. See note following Section 3100.)

Limitation on Allowance for Transportation; Exception for Special Students

18051. The Superintendent of Public Instruction shall not allow under this article (commencing at Section 18051), except under Section 18060 or 18060.1, whichever is in effect, during any fiscal year a total amount in excess of the amount provided by law.

Computation of Transportation Allowance for Special Students

18060. (a) In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district for transporting blind, deaf, aphasic, cerebral palsied, orthopedically handicapped and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, to and from special day classes, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such pupils on the special day classes to and from which they are transported by the district.

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county for transporting blind, deaf, aphasic, cerebral palsied, orthopedically handicapped and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, to and from special day classes, three hundred eighty-nine dollars ($389) for each unit of average daily attendance during the fiscal year resulting from the attendance of such pupils on the special day classes to and from which they are transported by the county superintendent of schools.

(c) For each school district and county superintendent of schools furnishing transportation pursuant to subdivision (a) or subdivision (b) under circumstances requiring the operation of vehicles exclusively for such purpose, the Superintendent of Public Instruction shall allow under each such subdivision 75 percent of any expense in excess of three hundred eighty-nine dollars ($389), but the additional allowance shall not exceed seventy-three dollars ($73), per unit of average daily attendance of such pupils. Such amount shall be allowed as a part of the second principal apportionment upon special request made therefor to, and upon approval by, the Superintendent of Public Instruction.

(d) As used in this section, "physically impaired minor pupils handicapped in mobility" means those children who are deemed eligible for special class placement as defined by the State Board of Education.

(Repealed and added by renumbering by Stats. 1959, Ch. 1251; amended by Stats. 1961, Ch. 2008, by Stats. 1963, Ch. 1211, and by Stats. 1967, Ch. 1209. Effective August 15, 1967. See note following Section 3100.)

Cross Reference: For definition of handicapped pupils, see 5 California Administrative Code Sec. 1320.

For provisions relating to handicapped children, see Health and Safety Code Secs. 249 et seq.

Definitions

18060.2. As used in Section 18060, "blind" includes partially seeing, "deaf" includes hard of hearing, and "special day classes" includes integrated programs of instruction for physically handicapped children including those handicapped in vision or hearing where the services of a qualified special teacher are provided.

An integrated program of instruction for physically handicapped children including those handicapped in vision or hearing shall be defined as any program in which such physically handicapped children receive their education in regular classrooms from regular classroom teachers, but receive, in addition, supplementary teaching services of a full-time special teacher, possessing a valid credential to teach exceptional children of the type enrolled in the program. Such supplementary teaching services may include instruction in the appropriate tool skills, the provision of special materials and use of appropriate special equipment, and counseling and guidance necessary to enable physically handicapped children and those handicapped in vision and hearing to benefit fully from their instruction.

As used in this section, physically handicapped children means those physically handicapped children who are deemed eligible for special class placement as defined by the State Board of Education.

(Added by Stats. 1959, Ch. 1619; amended by Stats. 1963, Ch. 1904.)

Allowance for Transportation of Physically Handicapped Pupils

18062. In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district for transporting minor pupils whose vision or hearing is impaired to a degree making it practical to transport them to the California School for the Blind or to the California School for the Deaf or to some location in another public school district where specialized instruction may be afforded, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such pupils on the classes of specialized instruction to and from which they are transported as day-class pupils.

For each school district furnishing transportation under circumstances requiring the operation of vehicles exclusively for that purpose, the Superintendent of Public Instruction shall allow 75 percent of any expense in excess of three hundred eighty-nine dollars ($389), but the additional allowance shall not exceed seventy-three dollars ($73), per unit of average daily attendance of such pupils. Such amount shall be allowed as a part of the second principal apportionment upon special request made therefor to, and upon approval by, the Superintendent of Public Instruction.

Allowances under this section shall be subject to the approval of the Superintendent of Public Instruction of the practicality of transporting the pupils involved in any particular instance to the place where specialized instruction is afforded.

(Added by Stats. 1959, Ch. 1852; amended by Stats. 1961, Ch. 887, by Stats. 1967, Ch. 1209, and by Stats. 1968, Ch. 151. See note following Section 3100.)

Allowances for Retarded and Handicapped Minors

18101. The Superintendent of Public Instruction shall allow, during the current fiscal year, to each school district and county superintendent of schools maintaining special day classes for the education of physically handicapped minors (as defined by Sections 6801 and 6802), mentally retarded minors (as defined by Sections 6901 and 6902), severely mentally retarded minors (as defined by Section 6903), and educationally handicapped minors (as defined by Section 6750), the amounts prescribed by this article for each of the respective types of class maintained for the fiscal year.

(Repealed by Stats. 1959, Ch. 1257; added by Stats. 1967, Ch. 1209; and amended by Stats. 1968, Ch. 928.)

Rules and Regulations

18101.5. For purposes of this article the State Board of Education shall adopt rules and regulations, based upon principles to govern the education of handicapped pupils as developed by competent authority in the field of educating such pupils, to accomplish the following:

(a) Establish appropriate distinctions between special day classes and other forms of instructional methods or organization by which instruction is afforded to the various categories of handicapped minors.

(b) Establish appropriate class sizes for each category of handicapped minor for the special day classes.

(Added by Stats. 1967, Ch. 1209; and amended by Stats. 1968, Ch. 928.)

Computation of Allowances

18102. (1) The Superintendent of Public Instruction shall allow to each school district and each county superintendent of schools, for each special day class, maintained during the current fiscal year, of the size prescribed by the State Board of Education for the particular category of handicapped pupils involved, an amount as follows:

(a) For mentally retarded minors (as defined by Section 6902)	$7,830
(b) For mentally retarded minors (as defined by Section 6903)	9,540
(c) For educationally handicapped minors (as defined by Section 6750)	13,680
(d) For physically handicapped minors (as defined by Section 6801)	12,215

(2) Insofar as practicable, the attendance in each school district of the particular categories of minors enumerated in subdivision (1) shall be concentrated in a minimum number of such classes. For any special day class for educationally handicapped minors or physically handicapped minors in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of one thousand one hundred forty dollars ($1,140) per pupil in average daily attendance in each such class for educationally handicapped minors in the current fiscal year, and one thousand eighteen dollars ($1,018) per pupil in average daily attendance in each such class for physically handcapped minors in the current fiscal year.

For any special day class for mentally retarded minors (as defined by Section 6902) or mentally retarded minors (as defined by Section 6903) in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of four hundred thirty-five dollars ($435) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6902) in the current fiscal year, and seven hundred ninety-five dollars ($795) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6903) in the current fiscal year.

(3) In addition to the allowances provided under subdivisions (1) and (2), the following amounts per pupil in average daily attendance in the current fiscal year shall be allowed to each school district and county superintendent of schools:

(a) For instruction of educationally handicapped minors in learning disability groups, one thousand eight hundred eighty dollars ($1,880).

(b) For instruction of educationally handicapped minors in homes or in hospitals, one thousand five hundred ninety dollars ($1,590).

(c) For instruction of physically handicapped minors in remedial physical education, seven hundred seventy-five dollars ($775).

(d) For remedial instruction of physically handicapped minors in other than physical education, two thousand dollars ($2,000).

(e) For instruction of blind pupils when a reader has actually been provided to assist the pupil with his studies, or for individual instruction in mobility under regulations prescribed by the State Board of Education, or when braille books are purchased, ink print materials are transcribed into braille, or sound recordings and other special supplies and equipment are purchased for blind pupils, nine hundred ten dollars ($910).

(f) For other individual instruction of physically handicapped minors, one thousand three hundred dollars ($1,300).

(4) (a) The allowances provided under subdivisions (1), (2), and (3), may be increased proportionately on account of special day classes convened, or other instruction provided a pupil, for days in a school year which are in excess of the number of days in the school year on which the regular day schools of a district are convened.

(b) The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools in providing in such year a program of specialized consultation to teachers, counselors and supervisors for educationally handicapped minors who come within the provisions of subdivision (c) of Section 6751, an amount equal to the product of the average daily attendance of pupils enrolled in such programs in subdivision (a) of this section and ten dollars ($10).

(Amended by Stats. 1959, Ch. 1251, and by Stats. 1963 (1st Ex. Sess.), Ch. 12; repealed and added by Stats. 1967, Ch.

1209; amended by Stats. 1968, Ch. 928 and Ch. 1321. Effective August 14, 1968.)

Cross Reference: For provisions relating to services for handicapped children, see Health and Safety Code Secs. 249 et seq.

"Special Day Classes" Defined

18102.4. As used in Section 18102, "special day classes" includes integrated programs of instruction for physically handicapped children including those handicapped in vision or hearing where the services of a qualified special teacher are provided.

An integrated program of instruction for physically handicapped children including those handicapped in vision or hearing shall be defined as any program in which such physically handicapped children receive their education in regular classrooms from regular classroom teachers, but receive, in addition, supplementary teaching services of a full-time special teacher, possessing a valid credential to teach exceptional children of the type enrolled in the program. Such supplementary teaching services may include instruction in the appropriate tool skills, the provision of special materials and use of appropriate special equipment, and counseling and guidance necessary to enable physically handicapped children and those handicapped in vision and hearing to benefit fully from their instruction.

As used in this section, physically handicapped children means those physically handicapped children who are deemed eligible for special class placement as defined by the State Board of Education.

(Added by Stats. 1968, Ch. 1326.)

Construction of Conflicting Provisions

18103. The provisions of this article shall supersede any other provisions of this code in conflict therewith. Allowances under this article shall be provided pursuant to regulations of the State Board of Education and standards and requirements established by the State Board of Education.

(Amended by Stats. 1959, Ch. 1251, and by Stats. 1963 (1st Ex. Sess.), Ch. 12; repealed and added by Stats. 1967, Ch 1209. Effective August 15, 1967. See note following Section 3100.)

Cross Reference: For definition of handicapped child, see Health and Safety Code Sec. 250.

Computation of Allowances to County School Service Funds at the Elementary Level for Emergency Schools or Classes for Retarded and Handicapped Minors, and Schools in Juvenile Halls, Homes or Camps

18355. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service funds: (a) for all emergency schools maintained in each elementary school district of the county by the county superintendent of schools, (b) all special schools or classes for mentally retarded minors and severely mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, (c) all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps, by the county superintendent of schools, and (d) all schools and classes for educationally handicapped minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of the elementary school district under Section 17655.5 or Section 17656.

No allowance shall be made for emergency schools which is in excess of the actual expense of maintaining the emergency school.

(Repealed and added by renumbering by Stats. 1959, Ch. 1251; amended by Stats. 1963, Ch. 2163, by Stats. 1963 (1st Ex. Sess.), Ch. 14, and by Stats. 1965, Ch. 1176.)

18355.1. (Amended and renumbered 18355 by Stats. 1959, Ch. 1251.)

18356. (Repealed and added by renumbering by Stats. 1959, Ch. 1251; amended by Stats. 1963, Ch. 2120; repealed by Stats. 1963 (1st Ex. Sess.), Ch. 14.)

Maximum Funds Available

19681. Not to exceed 3½ percent of any sum appropriated by the Legislature at the 1952 Second Extraordinary Session and not to exceed 3½ percent of the proceeds of the sale of any state bonds for state school building aid, including the proceeds of bonds authorized by Section 17 of Article XVI of the California Constitution, may be expended pursuant to this article (Sections 19681 to 19689, inclusive) for assistance to school districts in providing necessary housing and equipment for the education of exceptional children. All the provisions of Articles 1 and 2 of this chapter (Sections 19551 to 19667, inclusive), except Sections 19556 and 19581, shall apply to this article (Sections 19681 to 19689, inclusive) unless otherwise provided herein.

"Exceptional Children" Defined

19682. As used in this article (Sections 19681 to 19689, inclusive), "exceptional children" means physically handicapped minors, mentally retarded minors, or educationally handicapped minors required or allowed to be educated pursuant to Sections 6801 to 6855, inclusive, Sections 6901 to 6919, inclusive, and Sections 6750 to 6762, inclusive.

(Amended by Stats. 1965, Ch. 1176.)

Factors in Determining Need for Allocation

19683. Allocations under this article (Sections 19681 to 19689, inclusive) may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedically handicapped, cerebral palsied, speech handicapped, or educationally handicapped.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

Allocations for housing and equipment for minors having speech defects or disorders shall be allowed only in new schools constructed after July 1, 1968. Such housing and equipment shall be designed and provided to permit their utilization for remedial and other special services including speech therapy, speech reading (lipreading) and auditory training for the speech and hearing handicapped, screening and testing for speech and hearing defects, or both, psychological testing of exceptional children, subject matter tutoring of exceptional children, and other specialized activities required by such children. In addition to the maximum building area allowances provided in Sections 19583, 19585, 19586, and 19587, not more than an additional 200 square feet of building area shall be allowed for each new school so planned and constructed.

(Amended by Stats. 1963, Ch. 1860, by Stats. 1965, Ch. 1176, and by Stats. 1968, Ch. 1416.)

Eligible School Districts; Application for Allocation; Repayment Schedule

19683.5. Notwithstanding any provisions of this article to the contrary, apportionments for the construction of facilities and the purchase of essential furniture and equipment for the education of exceptional children may, subject to the approval of the Department of Education, be made to any school districts not otherwise eligible to receive apportionments under Articles 1 and 2 of this chapter, for the education of blind, partially seeing, aphasic, deaf, hard-of-hearing, mentally retarded, orthopedically handicapped, cerebral palsied and educationally handicapped minors.

The Department of Education may approve applications in those situations where the facilities will be used by a county superintendent of schools required to educate physically handi-

capped minors pursuant to Section 8901 and mentally retarded minors pursuant to Section 8951. A school district may educate such minors by agreement with a county superintendent of schools required to educate such minors. Priority in the use of such facilities shall be given to pupils from districts other than the applicant district.

Except as otherwise provided in this section, not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: 50 percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and at such interest rate over such period as the State Allocation Board may determine, not to exceed 20 years from the date the apportionment became final. In any school year in which 50 percent or more of the pupils in average daily attendance, as determined by the county superintendent of schools, and served by such facilities are not pupils from districts other than the applicant district, the repayment for the succeeding fiscal year shall be an amount which would have been payable if such district had been required to repay 100 percent of the apportionment over such period.

The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to 80 percent of the amount the district is required to repay in said fiscal year with respect to the apportionment described above.

The county board of supervisors shall raise the amount required through a general tax levy on the property within the participating districts, or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay, or through a combination of these.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article before he approves the application.

(Added by Stats. 1967, Ch. 1576.)

Limitation on Amount of Repayment

19684. Notwithstanding the provisions of Articles 1 and 2 (Sections 19551 to 19667, inclusive) of this chapter, the obligation of any district receiving an apportionment under this article (Sections 19681 to 19689, inclusive) to repay such apportionment shall not extend to more than one-half of the amount of the apportionment.

Application for Allocation; Repayment Schedule

19685. With the approval of the county superintendent of schools, a school district may make application for an allocation under this article (Sections 19681 to 19689, inclusive). Facilities for which an apportionment is made under this section shall be made available for use by the county superintendent of schools until he ceases to conduct such classes therein or until the superintendent of schools of a county other than the county whose superintendent of schools approved the application made under this section acquires jurisdiction over the location of such facility, whichever first occurs. Not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: Ten percent of the amount of the apportionment shall be subject to repayment by the district to the extent, and in the manner prescribed in Article 1 (Sections 19551 to 19632, inclusive) of this chapter for apportionments other than those made pursuant to Section 19577. Forty percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and over such period as the board may determine, not to exceed 20 years from the date the apportionment became final. The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to the amount the district is required to repay in said fiscal year with respect to the 40 percent of the amount of the apportionment described above.

The county board of supervisors may raise the amount required through a general tax levy or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay or through a combination of these.

Upon application of a school district and written approval of the county superintendent of schools the board may amend any apportionment previously received by a district for exceptional children by providing that the same shall be deemed to have been made with reference to this section, in which event all the incidents of this section shall be deemed applicable thereto, except that only the unpaid balance of said apportionment at the time of the aforesaid amendment of the apportionment with interest accrued to said date shall be repaid as prescribed in this section.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article (Sections 19681 to 19689, inclusive) before he approves the application.

(Amended by Stats. 1963, Ch. 1860, by Stats. 1965, Ch. 1771, and by Stats. 1967, Ch. 623.)

Duty to Certify Attendance of Exceptional Children; Unification of Governing Board

19686. Not later than July 10th of each year the county superintendent of schools of each county in which there is a school district maintaining facilities for the education of exceptional children which have been constructed with funds apportioned to the district under this article (Sections 19681 to 19689, inclusive) shall certify to the board of supervisors and to the county auditor of the county the total number of units of average daily attendance of pupils enrolled in such facilities during the next preceding fiscal year who reside in a district other than the district maintaining such facilities. On or before July 10th of each year the county superintendent of schools shall notify the governing board of each affected school district of the total number of units of average daily attendance of pupils residing in that district who were in attendance at such facilities maintained by another district.

(Amended by Stats. 1965, Ch. 1911.)

Annual Repayment of Allocation From General Fund for Special Tax Levy

19687. On or before July 20th of each year, the governing board of a school district which has received a notification pursuant to Section 19686, shall determine, and notify the county board of supervisors and the county auditor, whether the amounts required to be paid on behalf of the district under Section 19689 shall be provided from the general fund of the district or by a special district tax levied by the county board of supervisors.

In the event that the district notification specifies that the amounts so required shall be provided by a special district tax, or if no notification is made, the board of supervisors with whom the certificate prescribed by Section 19686 is filed shall, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the district of residence of each pupil enrolled in the facilities other than the district maintaining such facilities, sufficient in amount to raise, for the use of the facilities, the sum of one hundred sixty dollars ($160) per unit of average daily attendance, less any amounts per unit of such average daily attendance remaining in the county school building aid fund from levies and collections made in any prior year and not paid to the state pursuant to Section 19689.

(Amended by Stats. 1959, Ch. 1440; and by Stats. 1965, Ch. 1911.)

Tax Levy Upon Failure of Board of Supervisors to Act; Payment From General Fund

19688. If the board of supervisors fails to make a district tax levy required under Section 19687, the auditor shall make the levy.

In the event the governing board of a school district has elected to provide from the district general fund the amounts required to be paid on behalf of the district from the county school building aid fund under Section 19689, the county superintendent of schools shall order the payment to be made in the amount required from the general fund of the district.

(Amended by Stats. 1965, Ch. 1911.)

Disposal of Excess Moneys Collected by Special Taxes

19688.5. In the event that the governing board of a school district determines, subject to the approval of the county superintendent of schools, that the amounts collected within the district by special taxes levied pursuant to Section 19687 or Section 19688 and credited to the district in the county school building aid fund are substantially in excess of amounts required of the district for purposes of Section 19689 for the ensuing three-year period, the county superintendent may order the payment to the district from the county school building aid fund of so much of such excess moneys as he may deem appropriate.

(Added by Stats. 1965, Ch. 1911.)

Provisions for Transfer of Funds from County School Building Aid Fund to State School Building Aid Fund

19689. The county auditor shall, not later than the last Monday in December and the last Monday in May of each year, notify the superintendent of schools of the amount in the county school building aid fund. Thereupon the superintendent shall draw his order on the county auditor in favor of the State Treasurer for the amount in the county school building aid fund of the county, except that the total of such orders for any year may be limited to an amount not to exceed the total of one hundred sixty dollars ($160) for each unit of average daily attendance during the next preceding fiscal year of students residing in a district other than a district maintaining the facilities. Such amount shall be paid by the county treasurer and, upon order of the State Controller, shall be deposited in the State Treasury to the credit of the State School Building Aid Fund. All money paid to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 19704, and shall be credited to the repayment of the apportionment of funds to the school district maintaining the facilities.

(Amended by Stats. 1959, Ch. 1440.)

Increase in Maximum Tax Rate to Cover Educating Handicapped Minors

20807. The maximum rate of school district tax under Sections 20751 and 20753, inclusive, for any fiscal year is hereby increased by such amount as will provide the amount of the proposed expenditures for programs for educating handicapped minors under Sections 6750 to 6762, inclusive, which are in excess of state apportionments as shown by the budget of the district as finally adopted by the governing board of the district.

Such proposed expenditures may include the cost of equipment and facilities, the lease or lease-purchase of buildings, lease of land, alterations or additions to existing buildings, or other necessary capital outlay expenditures in connection with such programs.

If at the end of any fiscal year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that year required or authorized by Sections 6750–6762, inclusive, of this code.

(Added by Stats. 1963, Ch. 2165; amended by Stats. 1968, Ch. 887.)

Legislative Intent

24351. It is the intent and purpose of the Legislature in providing for the establishment at or in conjunction with individual state colleges, under this chapter, of laboratory classes for exceptional children, to accomplish the following general aims:

(a) Improve programs presently offered within the state college system for the training of teachers in the education of exceptional children, and afford prospective teachers with direct experience with typical exceptional children.

(b) Provide facilities and workshops where needed systematic continuing research in the development of methods, means, and techniques in teaching of exceptional children shall be conducted.

(c) Accelerate the recruitment and training of prospective teachers of exceptional children and provide in-service training for credentialed teachers to improve their skills.

(d) Provide a combined and comprehensive college level program of research and teacher training to meet the needs of exceptional children such as will serve to attract and effectively utilize available public and private funds and grants.

(e) Provide for increased and improved special educational services for exceptional children through cooperation and coordination with local school districts and county offices.

(Added by Stats. 1967, Ch. 1688.)

Financing; Budget

24352. For purposes of state financial support, the laboratory classes for exceptional children established at or in

conjunction with state colleges under this chapter shall be separately budgeted for in each budgeting request submitted by the California State Colleges, and in the Budget Act.

(Added by Stats. 1967, Ch. 1688.)

Private or Federal Funds

24353. The Trustees of the California State Colleges are authorized to accept and devote to the financial support of any of the laboratory classes for exceptional children maintained in conjunction with any state college, any federal funds and any other public or private funds which may be allotted or granted for such purposes, and shall have the power to take all measures necessary to effect compliance with the terms and conditions under which such an allotment or grant may be made.

(Added by Stats. 1967. Ch. 1688.)

Location and Designation of Schools

25551. There is in Berkeley, Alameda County, a state school for the deaf, known and designated as the California School for the Deaf, Berkeley. There is in Riverside, Riverside County, a state school for the deaf, known and designated as the California School for the Deaf, Riverside. The term "California School for the Deaf" shall refer to both schools unless the context otherwise requires.

Purpose

25552. The California School for the Deaf is a part of the school system of the State except that it derives no revenue from the Public School Fund, and has for its object the education of the deaf who, by reason of their infirmity, cannot be taught in the public schools.

Administration

25553. The school is under the administration of the State Department of Education.

Cross Reference: For scope of department authority, see Secs. 357-404.

Duties of Department of Education

25554. The State Department of Education in relation to the California School for the Deaf shall:

(a) Prescribe rules for the government of the school.

(b) Appoint the superintendent and other officers and employees.

(c) Remove for cause any officer, teacher, or employee.

(d) Fix the compensation of officers, teachers, and employees.

Cross Reference: For pay plan, see 5 California Administrative Code Secs. 6700-6707.

For vacation, see 5 California Administrative Code Secs. 6725-6728.

Qualifications of Superintendent

25555. The superintendent of the school shall have had not less than three years' experience in the art of teaching the deaf and shall hold a credential issued by the State Board of Education authorizing him to teach in secondary schools of this State.

Cross Reference: For requirements for secondary credential, see Secs. 13191, 13191.1.

Powers and Duties of Superintendent

25556. The powers and duties of the superintendent are such as are assigned to him by the State Director of Education.

Teacher Training Courses

25557. The Director of Education may authorize the California School for the Deaf to establish and maintain teacher training courses designed to prepare teachers of the public schools and such other persons holding a credential issued by the State Board of Education as are recommended by the president of a state college, to give instruction to the deaf and the hard of hearing. The Director of Education shall prescribe standards for the admission of persons to the courses, and for the content of the courses.

Cross Reference: For requirement for special credential to teach deaf, see Sec. 6820.

Entrance Qualifications

25601. Every deaf person resident of this State, of suitable age and capacity, is entitled to an education in the California School for the Deaf free of charge.

Cross Reference: For compulsory education of deaf, see Secs. 12801-12802.

Computation of Amount Paid by School Districts of Residence

25601.1. On or before July 15, the superintendent of each California School for the Deaf shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at a California School for the Deaf, under the provisions of this chapter, the school district of residence shall annually pay to the State Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the general purpose tax rate by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the deaf bears to the number of days the school for the deaf was in session. The payment to the State Department of Education by the school district of residence shall be made by the September 30 following the end of the fiscal year of attendance and credited by the

State Controller to the current appropriation for the support and maintenance of the appropriate school for the deaf.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

The State Controller shall withhold from the second principal apportionment of the fiscal year following the year of attendance the amount from any school district which has not been paid to the State Department of Education by the time of such apportionment, the amount due on account of the attendance of pupils of the district at the California Schools for the Deaf as reported to the Controller. The Controller shall transfer the amount withheld to, or in augmentation of, the appropriate Department of Education support appropriation, as designated by the department.

(Added by Stats. 1965, Ch. 1423; amended by Stats. 1967, Ch. 1276.)

Excess Payment

25601.2. If a school district makes a payment in excess of the amount due the department under the provisions of Section 25601.1, the department shall refund to the district, from the appropriation to which the payment was credited, the amount that is in excess of the amount due.

(Added by Stats. 1968, Ch. 1094.)

Inability to Pay Expenses

25602. If the parent or guardian of any pupil in the school is unable either himself or from the estate of the child to clothe the child, or pay for its transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while at the school, or is unable either himself or from the estate of the child to reimburse the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency, the parent or guardian may apply for a certificate to that effect to the superior court of the county of which the parent or guardian of the child is a resident. If the court is satisfied that the parent or guardian either himself or from the estate of the child is unable to pay for any such service, it shall issue a certificate to that effect. The application for the certificate may also be made to the court by the superintendent of the school.

Cross Reference: For eligibility for aid of needy children, see Welfare and Institutions Code Sec. 1523.5.

Court Action in the Event That There Are Sufficient Funds to Support the Child

25603. If it appears to the satisfaction of the court that the parent or guardian has sufficient pecuniary ability or that there are sufficient funds in the estate of the child to provide the service for the child or to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency, the court shall not issue the certificate, but shall, according to the nature of the application before it, either order the superintendent to provide the child with the service or order the parent or guardian either himself or from the estate of the child, as the court determines, to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency.

Suit for Recovery

25604. If the State Department of Education is not reimbursed by the parent or guardian personally or from the estate of the child for expenditures made by the superintendent under the order of the court or if the parent or guardian does not comply with an order of the court to reimburse the State Department of Education either personally or from the estate of the child for expenses incurred by it in providing the service for the child in an emergency, the superintendent may sue the parent or guardian, in the name of the State, to recover any money paid out by order of the court or due the State Department of Education as reimbursement under an order of the court.

Expenditures Under Certificate to Be Legal Charges Against the County When Not Reimbursed

25605. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations, and hospitalization, and all money expended by the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the State Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed the sum of three hundred dollars ($300) each school year.

(Amended by Stats. 1968, Ch. 151.)

Payment of Expenses

25606. The certificate shall be presented to the superintendent of the school. When the certificate shows that the parent or guardian of the child is unable either himself or from the estate of the child to clothe the child, or pay for his transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while in school, the superintendent shall clothe the child and provide the transportation, necessary dental work, eye care, operations, and hospitalization. The expense of the services, or any of them, shall be advanced by the State Department of Education out of money appropriated for the support of the school.

Audit, Approval, and Credit of the Claim

25607. Upon presentation to the county in which the certificate is issued, of an itemized claim, duly sworn to by the superintendent of the school before an officer authorized to administer oaths, for the expense for clothing, transportation, and other items provided and furnished under the authority of the certificate, or for the reimbursement of the State Department of Education, the claim shall be processed and paid pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code. The amount paid and all reimbursements of the State Department of Education under this section shall be credited to the current appropriation for the support and maintenance of the school.

(Amended by Stats. 1965, Ch. 263.)

Maintenance of Pupils

25608. Except as provided in Sections 25601.1 and 25602 to 25607, inclusive, all pupils in the school shall be maintained at the expense of the state.

(Amended by Stats. 1959, Ch. 1696, and by Stats. 1965, Ch. 1423.)

Payment of Transportation Cost for Day-Class Pupil by District of Residence

25608.1. The governing board of each school district of residence shall, from the general fund of the school district, pay for the transportation cost of each pupil of the district in attendance at the California School for the Deaf as a day-class pupil.

For determining the school district responsible under the provisions of this section for making the payment when the pupils reside in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered residents of the high school district, and pupils 14 years of age or under as of September 1 shall be considered residents of the elementary district.

(Added by Stats. 1968, Ch. 151.)

Payment Required of Nonresidents

25609. Deaf persons not residents of this state may be admitted to the benefits of the school upon paying to the State Department of Education the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance, and instruction shall be determined by the Department of Education with the approval of the Department of General Services.

(Amended by Stats. 1965, Ch. 371.)

Gallaudet College Scholarship

25610. The Department of Education is authorized to pay, from funds made available for such purpose, expenses of any deaf student attending Gallaudet College at Washington, D. C., on a scholarship from such college, who is a graduate of the California School for the Deaf, Berkeley, the California School for the Deaf, Riverside, or a high school in California or who has been a resident of California for at least two years and has been enrolled in or is attending a public or private college or university in California.

Authority to Establish Preschool and Kindergarten Service

25651. The State Department of Education, in connection with the California School for the Deaf, may establish and maintain a preschool and kindergarten service for the care and teaching of children under school age. The department shall prescribe the rules and regulations which shall govern the conduct of the preschool and kindergarten service, appoint such teachers as it determines necessary, and fix their salaries.

Authority to Offer Courses of Instruction for Parents

25652. The State Department of Education, in connection with the California School for the Deaf, may offer courses of instruction to parents of a deaf child to assist and instruct the parents in the early care and training of such child, to train the child in play, and to do everything which will assure the child's physical, mental and social adjustment to its environment.

Authority to Establish and Maintain a Testing Center

25653. The Director of Education may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard of hearing minors. It shall be the purpose of this center to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child.

Prohibition of Compulsory Medical Treatment Over Objection of Parents

25654. Nothing in this article (commencing at Section 25651) and no rule or regulation established thereunder shall authorize the compulsory physical examination or medical treatment of any child or minor if the parent or guardian objects on the ground that such examination or treatment is contrary to the religious beliefs of such parent or guardian.

Cross Reference: For filing of parental objection, see Sec. 11902.

Insurance for Automobile Driver Training Courses

25655. The State Department of Education, in connection with the California School for the Deaf which maintains automobile driver training courses, may purchase from available funds public liability, property damage, collision, fire, theft, and comprehensive automobile insurance for motor vehicles, whether owned by private parties or such school for the deaf, used in connection with such courses.

(Added by Stats. 1967, Ch. 795.)

Location and Designation of School

25751. There is in Berkeley, Alameda County, the state school for the blind, known and designated as the California School for the Blind.

Purpose

25752. The California School for the Blind is a part of the school system of the State except that it derives no revenue from the Public School Fund, and has for its object the education of the blind, who, by reason of their infirmity, cannot be taught in the public schools.

Cross Reference: For revolving funds of state institutions for the blind, see Welfare and Institutions Code Sec. 18800 et seq.

Administration

25753. The school is under the administration of the State Department of Education.

Cross Reference: For scope of department authority, see Secs. 357-404.

Duties of Department of Education

25754. The State Department of Education in relation to the California School for the Blind shall:

(a) Prescribe rules for the government of the school.

(b) Appoint the superintendent and other officers and employees.

(c) Remove for cause any officer, teacher, or employee.

(d) Fix the compensation of officers, teachers, and employees.

Cross Reference: For pay plan, see 5 California Administrative Code Secs. 6700 to 6707.

For vacation, see 5 California Administrative Code Secs. 6725 to 6729.

Qualifications for Superintendent

25801. The superintendent of the school shall have had not less than three years' experience in the art of teaching the blind and shall hold a credential issued by the State Board of Education authorizing him to teach in secondary schools of this State.

Powers and Duties of Superintendent

25802. The powers and duties of the superintendent are such as are assigned to him by the State Director of Education.

Qualifications and Duties of Field Worker

25803. There is hereby created at the California School for the Blind the position of field worker to be appointed by the superintendent of the school with the approval of the Superintendent of Public Instruction and the State Director of Education. The field worker shall be a member of the teaching staff of the California School for the Blind and shall receive a salary fixed and payable in accordance with law.

The field worker shall visit graduates and former pupils of the school in their homes to advise them regarding the extension and continuance of their education, to assist them in securing remunerative employment, to improve their economic condition in all possible ways, and to provide them with preparatory instruction found necessary for a selected occupation. The field worker shall be a person who has had special training for such work. Blindness shall not be grounds to disqualify a person for this position.

Cross Reference: For authorization of teaching service for adult blind, see Sec. 6209.

Entrance Qualifications

25851. Every blind person resident of this State, of suitable age and capacity, is entitled to an education in the California School for the Blind free of charge.

Cross Reference: For definition of "blind person," see Sec. 7017.

Computation of Amount Paid by School Districts of Residence

25851.1. On or before July 15, the Superintendent of the California School for the Blind shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at the California School for the Blind, under the provisions of this chapter, the school district of residence shall annually pay to the State Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the general purpose tax rate by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the blind bears to the number of days the school for the blind was in session. The payment to the State Department of Education by the school district of residence shall be made by the September 30 following the end of the fiscal year of attendance and credited by the State Controller to the current appropriation for the support and maintenance of the school for the blind.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

The State Controller shall withhold from the second principal apportionment of the fiscal year following the year of attendance the amount from any school district which has not been paid to the State Department of Education by the time of such apportionment, the amount due on account of the attendance of pupils of the district at the California School for the Blind as reported to the Controller. The Controller shall transfer the amount withheld to, or in augmentation of, the appropriate Department of Education support appropriation, as designated by the department.

(Added by Stats. 1965, Ch. 1423; amended by Stats. 1967, Ch. 1276.)

Maintenance of Pupils

25852. Except as provided in Sections 25851.1 and 25853 to 25856, inclusive, all pupils in the school shall be maintained at the expense of the state.

(Amended by Stats. 1959, Ch. 1696, and by Stats. 1965, Ch. 1423.)

Payment of Transportation Cost for Day-Class Pupil by District of Residence

25852.1. The governing board of each school district of residence shall, from the general fund of the school district, pay for the transportation cost of each pupil of the district in attendance at the California School for the Blind as a day-class pupil.

For determining the school district responsible under the provisions of this section for making the payment when the pupils reside in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered residents of the high school district, and pupils 14 years of age or under as of September 1 shall be considered residents of the elementary district.

(Added by Stats. 1968, Ch. 151.)

Inability to Pay Expenses

25853. If the parent or guardian of any pupil in the school is unable either himself or from the estate of the child to clothe the child, or pay for its transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while at the school, or is unable either himself or from the estate of the child to reimburse the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency, the parent or guardian may apply for a certificate to that effect to the superior court of the county of which the parent or guardian of the child is resident. If the court is satisfied that the parent or guardian either himself or from the estate of the child is unable to pay for any such service, it shall issue a certificate to that effect. The application for the certificate may also be made to the court by the superintendent of the school.

Cross Reference: For eligibility for aid of needy children, see Welfare and Institutions Code Sec. 1523.5.

Payment of Expenses

25854. The certificate shall be presented to the superintendent of the school and the superintendent when the certificate shows the parent or guardian of the child is unable either himself or from the estate of the child to clothe the child, or pay for his transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while in school, shall clothe the child and provide the transportation, dental work, eye care, operations, and hospitalization. The expense of the services, or any of them, shall be advanced by the State Department of Education out of money appropriated for the support of the school.

County Financial Responsibility

25855. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations and hospitalization, and all money expended by the Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the State Department of Education cannot be reimbursed by the parent or guardian of the child as shown by the certificate, constitute a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed the sum of three hundred dollars ($300) each school year.

(Amended by Stats. 1968, Ch. 151.)

Presentation, Audit, Approval of Claim Against County; Credit to Appropriation for School

25856. Upon presentation to the county in which the certificate is issued, of an itemized claim, duly sworn to by the superintendent of the school before an officer authorized to administer oaths, for the expense for clothing, transportation, and other items provided and furnished under the authority of the certificate, or for the reimbursement of the State Department of Education, the claim shall be processed and paid pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code. The amount paid and all reimbursements of the State Department of Education under this section shall be credited to the current appropriation for the support and maintenance of the school.

(Amended by Stats. 1965, Ch. 263.)

Court Powers

25857. If it appears to the satisfaction of the court that the parent or guardian has sufficient pecuniary ability or that there are sufficient funds in the estate of the child to provide the service for the child or to reimburse the State Department of Education for expenses incurred by it on providing the service for the child in an emergency, the court shall not issue the certification, but shall according to the nature of the application before it, either order the superintendent to provide the child with the service, or order the parent or guardian either himself or from the estate of the child, as the court determines, to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency.

Suit by Department to Recover Money Paid Out or Due as Reimbursement

25858. If the State Department of Education is not reimbursed by the parent or guardian personally or from the estate of the child for expenditures made by the superintendent under the order of the court of if the parent or guardian does not comply with an order of the court to reimburse the State Department of Education either personally or from the estate of the child for expenses incurred by it in providing the service for the child in an emergency the superintendent may sue the parent or guardian, in the name of the State, to recover any money paid out by order of the court or due the State Department of Education as reimbursement under an order of the court.

Admission of Nonresident Blind Persons

25859. Blind persons not residents of this state may be admitted to the benefits of the school upon paying to the State Department of Education the sum of the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance, and instruction shall be determined by the Department of Education with the approval of the Department of General Services.

(Amended by Stats. 1965, Ch. 371.)

Kindergarten

25901. The State Department of Education, in connection with the California School for the Blind, shall establish and maintain a kindergarten service for the care and teaching of children under school age. The department shall prescribe the rules and regulations which shall govern the conduct of the kindergarten service, appoint such teachers as it determines necessary, and fix their salaries.

Visiting Teachers

25902. The State Department of Education in connection with the California School for the Blind shall create the position of visiting teacher to blind children of preschool age. With the consent of the parents of any blind child of preschool age it shall be the duties of such visiting teacher to assist and instruct the parents in the early care and training of said child, to train the child in play, and to do everything which will assure the child's physical, mental and social adjustment to its environment.

Vocational Training

25903. The State Department of Education, in addition to the teaching and education of the blind of suitable age, shall adopt measures and prescribe rules for the giving of vocational training to the pupils at the school, in order that they may be equipped upon their graduation to engage in occupations or industries by which they may become self-supporting. The board shall determine the nature and scope of the vocational training, with the view of best adapting the blind to follow useful and productive pursuits, after the completion of their education.

Social Work Instruction

25904. In order to prepare blind residents of California to do social work among the blind, the California School for the Blind may give special courses of instruction to blind residents of California who have received collegiate training in social service and issue a special social service certificate to those students who complete the courses satisfactorily.

Cross Reference: For relation of orientation centers to field service training program, see Sec. 6207.

Teacher Training

25905. The Director of Education may authorize the California School for the Blind to establish and maintain, either independently or in co-operation with the University of California or a state college, teacher training courses for teachers of the blind. The Director of Education shall establish standards for the admission of persons to the courses, and for the content thereof.

Cross Reference: For requirement of special credential to teach blind, see Sec. 6820.

Number and Designation

26401. There are two schools for neurologically handicapped children known and designated as Diagnostic School for Neurologically Handicapped Children, Northern California, and Diagnostic School for Neurologically Handicapped Children, Southern California.

(Amended by Stats. 1967, Ch. 1378.)

Status and Purpose

26402. The diagnostic schools for neurologically handicapped children are a part of the school system of the state, except that they derive no revenue from the Public School Fund, and have for their object diagnosis, and the determination of the treatment, and educational program of children with neurological handicaps. These schools provide temporary residence for children, who, by reason of their handicaps, need educational diagnostic services not available in regular public school classes.

(Amended by Stats. 1967, Ch. 1378.)

Cross Reference: For state school aid for exceptional pupils, see Sec. 19681 et seq.

Administration

26403. The schools are under the administration of the Director of Education.

Duties of Director of Education

26404. The Director of Education in relation to the diagnostic schools for neurologically handicapped children shall:

(a) Prescribe rules for the government of the schools.

(b) Appoint the superintendents and other officers and employees.

(c) Remove for cause any officer, teacher or employee.

(d) Fix the compensation of teachers.

(e) Determine the length of, and the time for, vacations of teachers.

(f) Contract with the University of California or with other public or private hospitals or schools of medicine for the establishment and maintenance of diagnostic service and treatment centers for neurologically handicapped children.

(Amended by Stats. 1967, Ch. 1378.)

Cross Reference: For pay plan, see 5 California Administrative Code Secs. 6700-6707.

For vacation, see 5 California Administrative Code Secs. 6725-6728.

Superintendents

26451. The powers and duties of the superintendents of the schools are such as are assigned to them by the State Director of Education.

Teacher Training Courses

26452. The Director of Education may, in cooperation with an accredited college or university, authorize the California schools for neurologically handicapped children to establish and maintain teacher training courses designed to prepare teachers to instruct neurologically handicapped children in special classes in the public school system. The Director of Education, in cooperation with an accredited college or university, shall prescribe standards for the admission of persons to the courses, and for the contents of the courses. Courses conducted in the schools shall be counted toward requirements of a credential in the area of the educationally handicapped upon the establishment of such a credential.

(Amended by Stats. 1967, Ch. 1378.)

Entrance Qualifications and Charges

26501. Every resident minor in California, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment schools for neurologically handicapped children, is entitled to enrollment in a school for neurologically handicapped children, free of charge.

Children with neurological handicaps, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of General Services.

(Amended by Stats. 1965, Ch. 371, and by Stats. 1967, Ch. 1378.)

Government Code

4450. It is the purpose of this chapter to insure that buildings and facilities, constructed in the state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state, adhere to the American Standards Association Specifications A 117.1-1961 for making buildings and facilities accessible to, and usable by, the physically handicapped.

(Added by Stats. 1968, Ch. 261.)

4451. Except as otherwise provided in this section, this chapter shall apply to all buildings and facilities intended for use by the public, which have any reasonable availability to, or usage by, physically handicapped persons, including the University of California, the California State Colleges, and the various junior college districts, which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. If an elementary, high school, or unified school district provides special buildings and facilities for the physically handicapped, the other buildings and facilities of such district shall be exempt from this chapter, except that at least one floor of all new elementary, high school, or unified school district buildings, and places of public assembly therein, such as those used for public meetings, will meet the American Standards Association Specifications A 117.1-1961. All such buildings and facilities constructed in this state after the effective date of this chapter from any of these funds or any combination thereof shall conform to each of the standards and specifications as prescribed in American Standards Association Specifications A 117.1-1961, except Sections 2.3, 2.4, 5.11, 5.12, and Figure 1 as related to Section 5.4.1.

These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this chapter, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This chapter shall apply to temporary or emergency construction as well as permanent buildings.

In cases of practical difficulty, unnecessary hardship, or extreme differences, administrative authorities as designated under Section 4453 may grant exceptions from the literal requirements of this standard or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured.

(Added by Stats. 1968, Ch. 261.)

4452. It is the intent of the Legislature that American Standards Association Specifications A 117.1-1961 shall be used as minimum standards to insure that buildings and facilities covered by this chapter are accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facility where the general public is concerned.

Any unauthorized deviation from these specifications shall be rectified by full compliance within 90 days after discovery of the deviation.

(Added by Stats. 1968, Ch. 261.)

4453. The responsibility for enforcement of this chapter shall be as follows:

(a) Where state funds are utilized, by the Director of the Department of General Services.

(b) Where funds of counties, municipalities, or other political subdivisions are utilized, by the governing bodies thereof.

(Added by Stats. 1968, Ch. 261.)

6500. As used in this article, "public agency" includes the federal government or any federal department or agency, this state, an adjoining state or any state department or agency, a county, county board of education, city, public corporation, or public district of this state or an adjoining state.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1951, Ch. 680, and by Stats. 1968, Ch. 874.)

6501. This article does not authorize any state officer, board, commission, department, or other state agency or institution to make any agreement without the approval of the Department of General Services or the Director of General Services if such approval is required by law.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1965, Ch. 371.)

6502. If authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside this State.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1951, Ch. 680.)

6503. The agreements shall state the purpose of the agreement or the power to be exercised. They shall provide for the method by which the purpose will be accomplished or the manner in which the power will be exercised.

(Added by Stats. 1949, Ch. 84.)

6504. The parties to the agreement may provide that (a) contributions from the treasuries may be made for the purpose set forth in the agreement, (b) payments of public funds may be made to defray the cost of such purpose, (c) advances of public funds may be made for the purpose set forth in the agreement, such advances to be repaid as provided in said agreement, or (d) personnel, equipment or property of one or more of the parties to the agreement may be used in lieu of other contributions or advances. The funds may be paid to and disbursed by the agency or entity agreed upon.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1957, Ch. 942, and by Stats. 1963, Ch. 990.)

6505. The agreement shall provide for strict accountability of all funds and report of all receipts and disbursements.

In addition, and provided a separate agency or entity is created, the public officer performing the functions of auditor or controller as determined pursuant to Section 6505.5, shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every agency or entity. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally accepted auditing standards.

Where an audit of an account and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each of the contracting parties to the agreement and also with the county auditor of the county in which each of the contracting parties is located. Such report shall be filed within 12 months of the end of the fiscal year under examination.

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants, in making an audit pursuant to this section shall be borne by the agency or entity and shall be a charge against any unencumbered funds of the agency or entity available for the purpose.

All agencies or entities whose annual budget does not exceed five hundred dollars ($500), may, by unanimous request of the governing body thereof, with unanimous approval of the contracting parties replace the annual special audit with an audit covering a two-year period.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1968, Ch. 972.)

6505.1. The contracting parties to an agreement made pursuant to this chapter shall designate the public office or officers or person or persons who have charge of, handle, or have access to any property of the agency or entity and shall require such public officer or officers or person or persons to file an official bond in an amount to be fixed by the contracting parties.

(Added by Stats. 1968, Ch. 972.)

6505.5. If a separate agency or entity is created by the agreement, the agreement shall designate the treasurer of one of the contracting parties, or in lieu thereof, the county treasurer of a county in which one of the contracting parties is situated to be the depositary and have custody of all the money of the agency or entity, from whatever source.

The treasurer so designated shall:

(a) Receive and receipt for all money of the agency or entity and place it in the county treasury to the credit of the agency or entity;

(b) Be responsible upon his official bond for the safekeeping and disbursement of all agency or entity money so held by him;

(c) Pay, when due, out of money of the agency or entity so held by him, all sums payable on outstanding bonds and coupons of the agency or entity;

(d) Pay any other sums due from the agency or entity from agency or entity money, or any portion thereof, only upon warrants of the public officer performing the functions of auditor or controller who has been designated by the agreement; and

(e) Verify and report in writing on the first day of July, October, January, and April of each year to the agency or entity and to the contracting parties to the agreement the amount of money he holds for the agency or entity, the amount of receipts since his last report, and the amount paid out since his last report.

The officer performing the functions of auditor or controller shall be of the same public agency as the treasurer designated depositary pursuant to this section. He shall draw warrants to pay demands against the agency or entity when the demands have been approved by any person authorized to so approve in the agreement creating the agency or entity.

The governing body of the same public entity as the treasurer and auditor specified pursuant to this section shall determine charges to be made against the agency or entity for the services of the treasurer and auditor.

(Added by Stats. 1968, Ch. 972.)

6506. The agency or entity provided by the agreement to administer or execute the agreement may be one or more of the parties to the agreement or a commission or board constituted pursuant to the agreement or a person, firm or corporation designated in the agreement. One or more of the parties may agree to provide all or a portion of the services to the other parties in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any consideration other than such services.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1957, Ch. 330, and by Stats. 1963, Ch. 990.)

6507. For the purposes of this article, the agency is a public entity separate from the parties to the agreement.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1963, Ch. 990.)

6508. The agency shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement and such agency is authorized, in its own name, to do any or all of the following: to make and enter contracts, or to employ agents and employees, or to acquire, construct, manage, maintain or operate any buildings, works or improvements, or to acquire, hold or dispose of property or to incur debts, liabilities or obligations, said agency shall have the power to sue and be sued in its own name.

(Added by Stats. 1949, Ch. 84; amended by Stats. 1957, Ch. 942, by Stats. 1963, Ch. 990, and by Stats. 1968, Ch. 972.)

6508.1. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement, the debts, liabilities and obligations of the agency shall be debts, liabilities and obligations of the parties to the agreement, unless the agreement shall specify otherwise.

(Added by Stats. 1968, Ch. 972.)

6509. Such power is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.

(Added by Stats. 1949, Ch. 84.)

6509.5. Any separate agency or entity created pursuant to this chapter shall have the power to invest any money in the treasury pursuant to Section 6505.5 that is not required for the immediate necessities of the agency or entity, as the agency or entity determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code.

(Added by Stats. 1968, Ch. 972.)

6510. The agreement may be continued for a definite term or until rescinded or terminated. The agreement may provide for the method by which it may be rescinded or terminated by any party.

6511. The agreement shall provide for the disposition, division, or distribution of any property acquired as the result of the joint exercise of powers.

6512. The agreement shall provide that after the completion of its purpose, any surplus money on hand shall be returned in proportion to the contributions made.

7250. The provisions of this chapter apply to all buildings or other facilities owned, leased, operated or managed by the state, county, city and county, district, or other political subdivision and which are usually or regularly open to the members of the public.

(Added by Stats. 1968, Ch. 937.)

7251. When a building contains special toilet facilities usable by a person in a wheelchair or otherwise handicapped, a sign indicating the location of such facilities shall be posted in the building directory, in the main lobby, or at any entrance specially used by handicapped persons.

(Added by Stats. 1968, Ch. 937.)

7252. When a building contains an entrance other than the main entrance which is ramped or level for use by handicapped persons, a sign showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way.

(Added by Stats. 1968, Ch. 937.)

Health and Safety Code

249. The Department of Public Health shall establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government through its appropriate agency or instrumentality, for the purpose of developing, extending and improving such services. The department shall receive and expend all funds made available to it by the federal government, the state, its political subdivisions or from other sources, and it shall have power to supervise those services included in the state plan which are not directly administered by the state. The department shall cooperate with the medical, health, nursing and welfare groups and organizations concerned with the program, and any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

(Added by Stats. 1943, Ch. 210; repealed and added by Stats. 1968, Ch. 1316. Operative on July 1, 1969.)

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. "Handicapped child" includes, but is not limited to, children suffering from phenylketonuria, cystic fibrosis, or hemophilia.

(Amended by Stats. 1943, Ch. 210, by Stats. 1961, Ch. 1839 and Ch. 2148, and by Stats. 1967, Ch. 1681.)

NOTE: Stats. 1967, Ch. 1681, also contained the following provisions:

SEC. 2. The sum of fifty-six thousand two hundred dollars ($56,200) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure during the 1967–68 fiscal year for services to children suffering from hemophilia pursuant to Article 2 (commencing with Section 249), Chapter 2, Part 1, Division 1 of the Health and Safety Code.

252.5. (Added by Stats. 1943, Ch. 1098; repealed by Stats. 1968, Ch. 1316. Operative on July 1, 1969.)

253. The department or designated county agency shall cooperate with, or arrange through, local public or private agencies and providers of medical care to seek out handicapped children, bringing them expert diagnosis near their homes. Case finding shall include, but not be limited to, children with impaired sense of hearing. This section does not give the department or designated agency power to require medical or other form of physical examination without consent of parent or guardian.

(Repealed and added by Stats. 1968, Ch. 1316. Operative on July 1, 1969.)

268. The state and the counties will share in the cost of administration of the crippled children's program at the local level. The director will establish the standards for administration, staffing and local operation of the program subject to reimbursement by the state. Reimbursable administrative costs, to be paid by the state to counties, shall not exceed 4.1 percent of the gross total expenditures for diagnosis, treatment and therapy by counties as specified in Section 265.

(Amended by Stats. 1943, Ch. 210; repealed and added by Stats. 1968, Ch. 1316. Operative on July 1, 1969.)

415. As used in this article, "regional centers" means regional diagnostic, counseling, and service centers for mentally retarded persons and their families.

(Added by Stats. 1965, Ch. 1242.)

415.1. It is desirable that there be a shift in state responsibility for mentally retarded persons from the time they enter a state hospital to the time when they are diagnosed as needing specialized care.

In order to provide fixed points of referral in the community for the mentally retarded and their families; establish ongoing points of contact with the mentally retarded and their families so that they may have a place of entry for services and return as the need may appear; provide a link between the mentally retarded and sources in the community, including state departments, to the end that the mentally retarded and their families may have access to the facilities best suited to them throughout the life of the retarded person; and offer alternatives to state hospital placement, it is the intent of this article that a network of regional diagnostic, counseling, and service centers for mentally retarded persons and their families, easily accessible to every family, be established throughout the state.

(Added by Stats. 1965, Ch. 1242.)

415.2. The State Department of Public Health, within the limitations of funds appropriated, shall contract with appropriate agencies for the establishment of regional centers.

(Added by Stats. 1965, Ch. 1242.)

415.3. Regional centers shall be near centers of population where most needed and wherever possible connected to or in close proximity to institutions of higher learning and research.

(Added by Stats. 1965, Ch. 1242.)

415.4. The regional centers shall provide and perform or cause to be performed services including, but not limited to, the following:

(a) Diagnosis.

(b) Counseling on a continuing basis. Counseling shall include advice and guidance to any mentally retarded person and his family, to assist them in locating and using suitable community facilities, including, but not limited to: special medical services; nursery and preschool training; public education; recreation; vocational rehabilitation; and suitable residential facilities.

(c) Provide state funds to vendors of service to the retarded, when failure to provide such services would result in state hospitalization.

(d) Maintain a registry and individual case records.

(e) Systematic followup of the mentally retarded and reactivation of cases as indicated.

(f) Assist, where necessary, in state hospital placement of the mentally retarded.

(g) Call public attention to unmet needs in community care and services, defining and interpreting standards of community care and services as used by the regional center, and stimulating the community to develop such services as needed.

(h) Maintain a staff according to standards set by the State Department of Public Health.

(Added by Stats. 1965, Ch. 1242.)

415.5. Upon referral by a physician, or other qualified professional person authorized by the regional center, any person suspected of mental retardation shall be eligible for initial intake and for diagnostic and counseling services in the regional centers.

(Added by Stats. 1965, Ch. 1242.)

415.6. The State Department of Public Health may receive and expend all funds made available to the department by the federal government, the state, its political subdivisions, and other sources, and, within the limitation of the funds made available, shall act as an agent for the transmittal of such funds for services through the regional centers. The department may use any funds received under Article 2 (commencing with Section 249) of this chapter for the purposes of this article. The State Department of Public Health may contract with the Department of Rehabilitation to provide vocational diagnostic and rehabilitative services in regional centers.

(Added by Stats. 1965, Ch. 1242.)

416. The parents or guardian of a mentally retarded person may designate the Director of Public Health as guardian of the mentally retarded person on the death of the parents or guardian, if the state has assumed responsibility for providing care to the retarded person, through the regional center. Such guardianship shall be for the purpose of carrying out the recommendations of the regional center and to provide the retarded person with the assurance of continuity of care.

(Added by Stats. 1965, Ch. 1242.)

416.1. This article does not authorize the care, treatment, or supervision or any control over any mentally retarded person without the written consent of his parent or guardian.

(Added by Stats. 1965, Ch. 1242.)

416.2. The agency operating a regional center may enter into agreements with parents, guardians, persons responsible for the care of the mentally retarded, or estates of mentally retarded persons, to use such amounts as they may be able to pay toward the cost of services for such mentally retarded

persons. In no event, however, shall there be any charge for diagnosis or counseling.

(Added by Stats. 1965, Ch. 1242.)

420. The State Department of Public Health may maintain a mental health service which shall advise and assist local departments of health and education in the establishment of mental health services, particularly in connection with maternal and child health conferences and in the schools of the State.

The department shall coordinate this service with the program of the State Department of Mental Hygiene and may conduct such other activities as may be required in the development of mental health services as related to public health.

This article does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

(Added by Stats. 1945, Ch. 971.)

1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as may at the date of registration be prescribed by the state board.

Audiometric testing as conducted by the qualified school audiometrist, pursuant to Section 13300 of the Education Code, or by other qualified certificated school personnel, as defined in Sections 11751 and 11904 of the Education Code, shall meet the standards which the State Board of Public Health determines necessary to insure the adequacy of hearing testing in the schools. Subject to Section 11902 of the Education Code, audiometric tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools, health departments or other agencies that provide qualified personnel to conduct such tests.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1968, Ch. 416. See note following Section 112.)

1686. The State Board of Public Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists and to qualified supervisors of health, pursuant to Sections 11751 and 11903 of the Education Code. The state board shall prescribe such qualifications as may be necessary for the testing of the hearing of schoolchildren.

Candidates for registration who present evidence of having satisfactorily completed the required training in audiology and audiometry at an accredited university or college, as prescribed by the State Board of Public Health, may be issued certificates of registration without further examination.

The state board shall require a registration fee not in excess of ten dollars ($10) for each certificate issued. Such fee shall be based upon a determination by the board as to the amount that is reasonably necessary to pay for the costs of the issuance of certificates of registration.

(Added by Stats. 1957, Ch. 205; amended by Stats. 1968, Ch. 416. See note following Section 112.)

38200. The Administrator of the Health and Welfare Agency shall adopt rules and regulations prescribing standards of service which shall be satisfied and maintained as a condition to the payment of state funds for residential care of the mentally retarded by a regional diagnostic, counseling service center.

The Administrator of the Health and Welfare Agency shall adopt standards for all nonresidential professional services which may be purchased for mentally retarded persons with state funds by a regional diagnostic, counseling service center for the mentally retarded.

The Administrator of the Health and Welfare Agency shall provide regional centers with current lists of approved facilities and services. Regional centers may not expend state funds for services which are not approved by the Administrator of the Health and Welfare Agency, notwithstanding any other certification, licensing, or approval of the facility or service.

The Administrator of the Health and Welfare Agency shall not adopt standards which are in conflict with those adopted by the State Board of Education with regard to special classes for the mentally retarded in the public schools.

(Added by Stats. 1965, Ch. 1244.)

38201. If there is evidence that a vendor of services does not meet the standards prescribed by the Administrator of the Health and Welfare Agency, the regional centers may immediately withdraw payment of state funds to such vendor.

(Added by Stats. 1965, Ch. 1244.)

38202. The Administrator of the Health and Welfare Agency shall establish rates of state payment for services purchased by regional centers for mentally retarded persons.

Rates of state payment shall be based on the value of units of service rendered.

(Added by Stats. 1965, Ch. 1244.)

Welfare and Institutions Code

7900. There is in the state government a Coordinating Council on Programs for Handicapped Children. The council shall be composed of the Director of Education, the Director of Mental Hygiene, the Director of Public Health, the Director of Rehabilitation, the Director of Social Welfare, and the Director of the Youth Authority. The council shall annually elect a chairman from among its membership. The chairmanship shall rotate annually so that each member is chairman for one year in each six years, and so that the order of rotation established in the first six years shall be repeated thereafter for each succeeding six-year period.

(Amended by Stats. 1965, Ch. 1494.)

7901. The council shall make a continuous review of programs and services being offered to the physically and mentally handicapped persons under age 21 in California, both by state and local agencies, and shall co-ordinate and evaluate the existing programs.

7902. The council shall prepare and distribute a list describing the services available to handicapped persons under age 21 and the requirements for obtaining such services.

7903. The council shall report annually to the Governor and the Legislature on its activities of the past year, and shall make recommendations regarding any needed or proposed legislation, giving major attention to an orderly and planned growth in the field of programs and services for the handicapped persons under age 21.

7904. The council shall serve as an advisory body to the state departments represented on the council, and to other state and local agencies when necessary.

7905. The State Departments of Education, Mental Hygiene, Public Health, Rehabilitation, Social Welfare, and the Youth Authority shall cooperate with and furnish such information, records and documents, as the council may request, shall make available such facilities as the council needs, and perform such staff services and functions as the council may direct in order to carry out the provisions of this division.

(Amended by Stats. 1965, Ch. 1494.)

7906. The council may invite other persons to attend its meetings in an advisory capacity.

7907. Any state department or agency, upon request of the council, shall co-operate with and furnish information, records or documents as the council may request in order to carry out the provisions of this division.

18600. There is established a Coordinating Council on State Programs for the Blind, the membership of such council to consist of the Director of Education, the Director of Rehabilitation, the Director of Social Welfare, and the Director of Public Health. The council shall consider and recommend policies for coordination of the various state

programs for the adult blind, and for the coordination of the functions and programs of the various state departments insofar as such functions and programs affect the adult blind.
(Added by Stats. 1965, Ch. 1784.)

18601. The council shall recommend policies to the various state departments, and shall make recommendations to the Legislature. The council shall report annually to the Boards of Education and Public Health, the Department of Social Welfare, the Department of Rehabilitation, and to the Legislature.
(Added by Stats. 1965, Ch. 1784.)

18602. The council shall elect a chairman from among its membership, who shall be replaced at the end of six months by another member of the council, who in turn shall be replaced in six months by the third member of the council, who in turn shall be replaced in six months by the fourth member of the council. Upon the expiration of a six-month term for such fourth member of the council, the director from the department originally elected shall again become chairman, to be succeeded in turn in the same order at six-month intervals.
(Added by Stats. 1965, Ch. 1784.)

18603. The council may establish such interdepartmental committees as may be necessary to coordinate the programs of the four departments and advise the council on matters of general or specific interest. Persons appointed to the interdepartmental committees shall be employees of the respective Departments of Education, Rehabilitation, Public Health, and Social Welfare.
(Added by Stats. 1965, Ch. 1784.)

18604. The council shall meet quarterly, or on call of the chairman, and may invite other persons to attend its meetings in an advisory capacity, and may accept and act upon the advice and counsel of such persons.
(Added by Stats. 1965, Ch. 1784.)

18605. The council may designate a secretary, who need not be a member of the council, but who shall be an employee of one of the four departments above mentioned.
(Added by Stats. 1965, Ch. 1784.)

18606. Expenses entailed in carrying out the functions of this chapter shall be borne by the respective departments incurring such expenses.
(Added by Stats. 1965, Ch. 1784.)

California Administrative Code
Title 5, Education

4. Minimum School Day for Physically Handicapped Minors. The minimum school day for special day classes and schools for physically handicapped minors between the ages of three years and four years nine months, is 180 minutes inclusive of recesses and intermissions.

History: 1. New section filed 8-7-52; effective thirtieth day thereafter (Register 29, No. 4).

9. Attendance Accounting and Deductions for Absence. (a) **Kindergarten.** Attendance accounting shall be in accordance with Section 13558 of the Education Code. No absence of a pupil enrolled in a kindergarten for not less than the minimum school day shall be deemed an absence for apportionment purposes except when such absence is equal to the total school day prescribed for such kindergarten under Section 10952 of the Education Code. In the case of a kindergarten maintained for less than 180 minutes, but not less than 150 minutes, total days of apportionment attendance shall bear the same ratio to total recorded days of attendance as the number of minutes the class was maintained bears to 180 minutes.

(b) **Elementary Schools, Grades One Through Eight.** Attendance accounting shall be in accordance with Education Code Section 13558. No absence of a pupil enrolled for not less than the minimum school day in grades one through eight of the elementary schools shall be deemed to be an absence for apportionment purposes except when such absence is equal to the total school day prescribed under Section 10952 of the Education Code.

(c) **High Schools, Including Junior High Schools.** Attendance accounting shall be on forms which are subject to the approval of the State Department of Education. No absence of a pupil enrolled for not less than the minimum school day in the high schools shall be deemed to be an absence for apportionment purposes except when such absence is equal to the total school day prescribed under Section 10952 of the Education Code.

(d) **Day Junior Colleges.** Attendance accounting shall be on forms approved by the State Department of Education. Attendance may be kept either on the positive basis or the deduction basis.

(1) If attendance is kept on the positive basis only the actual class hours of attendance, absence due to illness or quarantine, or absence for certain professional services, shall be recorded.

(2) If attendance is kept on the deduction basis, all absence is recorded in class hours and absence due to reasons other than illness or quarantine or for certain professional services is deducted from the total enrolled class hours for each individual student.

(3) In computing full or partial class hours in grades 13 and 14 of a junior college the following method shall be used:

(A) A continuous class period of not less than 50 minutes nor more than 60 minutes is 1 class hour of attendance.

(B) For a class period scheduled continuously not in excess of 120 minutes the length of the partial class hour is the number of minutes in excess of 50. The fractional part of such partial class hour shall be computed by dividing the number of minutes in the partial class hour by 60 except that not more than two class hours may be credited for any such class period scheduled continuously.

(C) For a class period scheduled continuously not in excess of 180 minutes the length of the partial class hour is the number of minutes in excess of 110. The fractional part of such partial class hour shall be computed as in (B) above except that not more than 3 class hours may be credited for any such class period scheduled continuously.

(D) For any class period scheduled continuously in excess of 180 minutes the partial class hour is the number of minutes in excess of all full 60 minute periods plus 10. The fractional part of such partial class hour shall be computed as in (B) above except that such computation shall never exceed 1 class hour.

No absence of a student enrolled in grades 13 and 14 of a junior college shall be deemed to be an absence for apportionment purposes except when such absence is equal to a full class period.

(e) **Period Attendance Reports.** In all types of secondary schools and classes, except junior college schools and classes, evening high schools, all classes for adults, and continuation schools and classes, each teacher shall be required to submit at least once each school day to the principal's office an attendance report listing the names of all pupils absent each period during the day. In junior college schools and classes, except classes for adults and summer sessions, each teacher shall be required to submit to the principal's office the names of all pupils absent during each census week specified. As used in this Section 9, "census week" means a week specified in subsections (a) and (b) of Section 11451 of the Education Code.

(f) **All Classes for Adults, Including Evening High Schools and Evening Junior Colleges; and Continuation Schools and Classes.** Attendance shall be recorded in clock hours for each pupil enrolled and shall be reported to the principal at least once each week.

No absence of a pupil enrolled in a class for adults, including evening high schools and evening junior colleges, or in a continuation school or class shall be deemed to be an absence for apportionment purposes except when such absence is equal to one clock hour.

(g) **Special Day Schools and Classes for Physically Handicapped Minors.**

(1) The minimum school day for special day schools and classes for physically handicapped minors between the ages of three years and four years and nine months in attendance upon a special day school or class is 180 minutes. No such pupil shall be credited with more than one day of attendance in any calendar day. Attendance accounting for such pupils

shall be in the same manner as authorized for pupils enrolled in the regular full-time day kindergarten.

(2) Attendance accounting for pupils enrolled in special day schools and classes established and maintained for physically handicapped pupils over the age of four years and nine months shall be in the same manner as authorized for pupils enrolled in regular day classes of the same grade level.

(h) **Attendance Accounting in Special Training Schools or Classes.** Attendance accounting for pupils enrolled in special training schools or classes for mentally retarded minors shall be in the same manner as authorized for pupils enrolled in regular day classes of the same grade level.

(i) **Attendance Accounting for Pupils Enrolled for Less Than the Minimum School Day.** Whenever a pupil is enrolled in a school or class for less than the minimum school day specified in the Education Code for schools or classes of the same grade level, attendance shall be on an hourly basis. Days of apportionment attendance for such pupil shall be computed by dividing the total hours of attendance by the hours equivalent to the minimum school day. No absence of such pupil shall be deemed to be an absence for apportionment purposes except when such absence is equal to one full clock hour.

(j) **Attendance Accounting for Pupils Enrolled in Classes for Less Than One Full Clock Hour.** Whenever a pupil is enrolled in a class where the class period is less than one full clock hour, the class period shall be the period of attendance. No absence of such pupil shall be deemed to be an absence for apportionment purposes except when such absence is equal to the full class period. The attendance accounting for such a class may be on either the positive or negative basis.

(1) In the case of a pupil enrolled in a remedial class for physically handicapped minors maintained in a school district by the county superintendent of schools, the attendance credited for such pupil in the remedial class shall be deducted from the apportionment attendance of the regular class in which the pupil is enrolled. The amount of attendance so deducted shall be credited to the county school service fund for both regular and excess expense apportionment.

(2) In the case of a pupil enrolled in a remedial class for physically handicapped minors maintained by the school district, no deduction on account of his attendance in the remedial class shall be made from the regular class attendance.

(k) **Exclusion for Crediting Attendance.** Notwithstanding any provision of this article to the contrary, if for any period of time during a pupil's regularly programmed school day the pupil attends a school sponsored function or engages in a school sponsored activity for which he pays an admission charge or a participation charge, for which period of time no attendance for apportionment purposes may be counted under Education Code Section 11251 or because an admission or participation charge is paid, only his actual attendance upon school or class may be counted for apportionment purposes, and such apportionment attendance shall be computed under subsection (i) of this section.

(*l*) **Attendance Accounting for Pupils Excused From Regular Schools or Classes.** (1) Whenever a pupil is excused from a school or class to attend or participate in a function or activity which does not meet the requirements of Section 11251 of the Education Code, only his actual attendance upon such school or class may be counted for apportionment purposes, and such apportionment attendance shall be computed under subsection (i) of this section.

(2) Whenever a pupil is enrolled in a work experience class, attendance for apportionment purposes shall be the sum of the hours of his actual attendance upon the regular school or class plus the hours of attendance in the work experience class which meet the requirements of Section 11251 of the Education Code. Such attendance shall be computed in accordance with subsection (i) of this section.

(m) **Attendance Accounting for Educationally Handicapped Minors.** (1) Attendance of a pupil enrolled in a special class described in Education Code Section 6751(a) shall be credited and reported in the same manner as if the pupil were enrolled in regular day classes.

(2) Attendance of a pupil enrolled in a learning disability group described in Education Code Section 6751(b) shall be credited and reported in accordance with the actual number of minutes of attendance. In order to compute the actual days of attendance, the following will apply:

(A) Whenever one to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group, the actual number of minutes the "group" attends shall be credited. No minutes are to be credited to a member of the group. The minutes of attendance shall be divided by sixty (60) regardless of grade level.

(B) Whenever five (5) or more educationally handicapped pupils are instructed in learning disability groups, the actual number of minutes each pupil attends shall be credited. The total minutes of attendance shall be divided by 180, 200, or 240, according to the grade level.

(C) No pupil in individual instruction or no pupil as a member of a group shall be credited with more minutes of attendance than result in a total of one day of attendance in one calendar day. (Education Code Section 11001.)

(3) The attendance of a pupil receiving individual instruction pursuant to Education Code Section 6751(d) shall be credited in accordance with Education Code Section 11227.

(n) **Definitions.** For the purposes of Section 11451.03 of the Education Code:

(1) "Contact hours" means the total number of programmed class periods for all students enrolled in thirteenth and fourteenth grade courses during a census week.

(2) "Active enrollment" means the number of students currently enrolled in thirteenth and fourteenth grade courses on an established date.

(3) "Cumulative enrollment" means the total number of individual students who have been enrolled in thirteenth and fourteenth grade courses from the beginning of a semester up to and including a reporting date required by the Superintendent of Public Instruction.

NOTE: Additional authority cited: Sections 6756, 6757 and 10951 (formerly 6801), Education Code; Also, Sections 10951, 11451.3, 152 and 11451.5, Education Code. Additional authority cited: Section 18101.5, Education Code.

History: 1. Amendment of subsection (m)(2) filed 2-16-68; effective thirtieth day thereafter (Register 68, No. 7). For prior history, See Register 65, No. 17.
2. Amendment of subsection (a) filed 9-23-68; effective thirtieth day thereafter (Register 68, No. 36).

10. Grades 13 and 14: Limitation of Attendance Reported for Apportionments. (a) **Class Hour Defined.** For the purpose of this section, a class hour is a class hour as defined in Section 9(d)(3) of this title.

(b) **Computation.** For the school year 1953-54 and thereafter, the maximum class hours of attendance in classes for pupils in grades 13 and 14 which the Superintendent of Public Instruction shall credit to any school district are the sum of the following:

(1) Class hours of attendance in such classes in a summer school,

(2) Class hours of attendance in such classes by adults, as adults are defined in Education Code Section 6352, and

(3) The figure computed by multiplying 630 by the number of pupils, except adults as defined in Education Code Section 6352, enrolled in such classes other than summer school classes.

13.1. Prolonged Illness. A pupil who contracts an illness of a prolonged nature or who has been a victim of an accident which will prevent attendance for a prolonged period shall be counted as absent due to illness only until such time as he is able and starts to receive instruction in home, hospital, or sanatorium, or is given instruction by other means. No absence due to illness shall be credited as attendance beyond the current school year.

13.2. Prior Registration and Attendance Required. Absence due to illness or quarantine shall not be credited for a pupil prior to his having been registered and in attendance upon a school or class.

44.2. Distribution of Large Print Textbooks. (a) All requests and requisitions for large print textbooks shall be accompanied by certified statements that they will be used only by pupils who, as determined by ophthalmological or optometrical examinations made by a physician and surgeon or optometrist licensed to practice in California, have visual acuity in the better eye, after necessary treatment and compensating lenses have been provided, not greater than 20/70, and who have a residue of sight adequate for the reading of such textbooks; or who have such other visual impairment that they cannot profit from using regular textbooks but have adequate vision for the reading of large print textbooks.

(b) The governing board of any school district may request the county superintendent of schools to supply large print textbooks for the use of pupils within the district. The county superintendent of schools shall supply such textbooks to the district and shall demand their return to his custody when the need for them ceases. The county superintendent of schools shall submit requisitions to the Superintendent of Public Instruction, on forms provided by him, for large print textbooks needed to supply the school districts. Such textbooks distributed to the county superintendent of schools and not needed in school districts shall be returned to the Superintendent of Public Instruction upon his request.

(c) The governing board of any school district with an enrollment of 40,000 or more pupils in grades one though eight may submit requisitions to the Superintendent of Public Instruction, on forms provided by him, for large print textbooks for the use of pupils within the district. After the need for such textbooks ceases within the school district, the textbooks shall be returned to the Superintendent of Public Instruction upon his request.

History: 1. New section filed 3-18-57; effective thirtieth day thereafter (Register 57, No. 5).

66. Scope. This article implements Education Code Section 11903.

NOTE: Authority cited for Article 7.5: Section 11903 (formerly 16482), Education Code.

History: 1. New article 7.5 (§§ 66-69.2) filed 8-7-52; effective thirtieth day thereafter (Register 29, No. 4).
2. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
3. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12).

67. Definition. The term "qualified supervisor of health," as used herein, means a physician, optometrist, oculist, or nurse holding a certificate of registration from the appropriate board or agency and either a health and development credential or a standard designated services credential with a specialization in health who is employed or permitted by a school district or a county superintendent of schools, as the case may be, to perform the duties set forth herein.

History: 1. Amendment filed 1-13-63; effective thirtieth day thereafter (Register 64, No. 2).

68. Qualifications for Personnel Administering Eye Screening Tests. A person other than a qualified supervisor of health may be permitted by a school district or county superintendent of schools, as the case may be, to administer eye screening tests only if he is a certificated employee of the school district or of the county superintendent of schools who has met one of the following minimum requirements:

(a) Completion of an acceptable course of inservice training of a minimum of six clock hours in eye screening tests given by a qualified supervisor of health, with such additional practice under such supervisor of health as he deems necessary, or

(b) Completion of an acceptable course in eye screening tests of at least one semester unit offered by an accredited college or university.

69. Content of Course in Eye Screening Tests. An acceptable course in eye screening tests is one which provides the following:

(a) Basic knowledge of the structure, normal development, and function of the eye and common anomalies of vision and factors influencing visual performance.

(b) Basic knowledge of signs and symptoms suggesting eye difficulty.

(c) Techniques and procedures in administering Snellen and Plus Sphere tests. Such techniques and procedures shall include training in the following:

(1) Establishing test rapport with pupils.
(2) Seating of pupil and placing of equipment.
(3) Providing adequate lighting conditions for the testing situation.
(4) Recording test results.
(5) Referring pupils in need of follow-up.

(d) Practice in administering Snellen and Plus Sphere tests of visual acuity under the supervision of a qualified supervisor of health.

69.1. Eligibility of Certificated Personnel to Administer Eye Screening Tests. Before a person other than a qualified supervisor of health may administer eye screening tests to pupils enrolled in the public schools, he must:

(a) Hold a teaching credential or life diploma issued by the California State Department of Education; and

(b) Have filed with the school district or county superintendent of schools, as the case may be:

(1) A statement from a qualified supervisor of health that he has satisfactorily completed a course on techniques and procedures in eye screening tests and he is qualified to administer such tests, or

(2) Acceptable evidence that he has completed such satisfactory training given by a recognized college or university.

69.2. Responsibility as to Eligibility. Each school district and county superintendent of schools shall determine and be responsible for the eligibility of personnel employed or permitted by the district or county superintendent of schools to administer eye screening tests or to conduct inservice training programs in techniques and procedures in administering such tests.

77.1. Definitions. For the purposes of Education Code Section 6875 and of this article:

(a) "Employee" means a person who on each of the following dates is actually holding a position requiring certification:

(1) The date of the agreement.

(2) The date a district or county superintendent submits an application to the application selection committee for selection.

(3) The date of approval by the Superintendent of Public Instruction.

(b) "Encumbered" means submission by May 15 to the Superintendent of Public Instruction of applications of qualified applicants as provided in Section 77.6(c).

(c) "County", when used alone, means all the school districts in, and the county superintendent of schools of, any one county.

(d) "Qualified" means a person who meets all of the following requirements:

(1) He has not taken summer work under a grant made pursuant to Education Code Section 6875 (hereinafter called a Section 6875 grant) during or before the fifth summer preceding the summer for which the grant is sought. This requirement is waived if the Superintendent of Public Instruction approves the application upon recommendation of the governing board or county superintendent specified in the application as the employer of the applicant.

(2) He has not already received Section 6875 grants in excess of an amount computed as herein required, and who would not, if the grant applied for were made, have received a total of such grants in excess of such computed amount. Amounts shall be computed as follows:

(A) If the applicant is entitled to work toward the prior regular credential known as the "Credential to Teach Exceptional Children", (see Article 36, Sections 391-394 of this Title 5, now repealed, but usable as a basis for a "prior regular credential"), the maximum total amount is:

50 times (24 minus [the number of semester hours completed toward fulfillment of former Section

392(b) plus the number of semester hours of credit for experience to which the person is entitled under former Section 392(c)])

(B) If the applicant is not entitled to work toward a "prior regular credential" described in (A), and the credential sought is in the area of the mentally retarded, the area of the orthopedically handicapped, including the cerebral palsied, or the area of the visually handicapped, the maximum total amount is:

50 times (22 minus the number of semester hours completed toward fulfillment of either Section 6262, 6263, or 6265, as appropriate to the area of specialized preparation sought by the applicant.)

(C) If the applicant is not entitled to work toward "a prior regular credential" described in (A), and the credential is sought in the area of the deaf and severely hard-of-hearing, the maximum total amount is:

50 times (30 minus the number of semester hours completed toward fulfillment of Section 6261(a)).

(D) If the applicant is not entitled to work toward a "prior regular credential" described in (A) and the credential sought is in the area of the speech and hearing handicapped, the maximum total amount is:

50 times (37 minus the number of semester hours completed toward fulfillment of Section 6264(a)).

NOTE: Authority cited for Article 8.4: Section 6878, Education Code. Reference: Ch. 8.5, Div. 6, Education Code.

History: 1. New Article 8.4 (Sections 77.1 through 77.8) filed 1-13-64; effective thirtieth day thereafter (Register 64, No. 2).
2. Amendment of subsection (a) filed 7-19-68; effective thirtieth day thereafter (Register 68, No. 27).

77.2. Application Form and Procedure. The application form provided by the Superintendent of Public Instruction, signed by the employee, and endorsed by the district or county superintendent as provided in Section 77.3:

(a) Shall be submitted by the school district or county superintendent to the application selection committee described in Section 77.5.

(b) Shall contain the following information:

(1) The total sum which the applicant has received under grants, if any, previously made to him pursuant to Education Code Section 6875.

(2) The name of one of the following credentials ultimately to be acquired (a credential issued on condition under Section 13197.3, or a provisional credential should not be named, although these may be "stepping stones" to the ultimate credential sought):

(A) A prior regular credential to teach exceptional children (specifying the area of specialization). If the application names this credential, the applicant must submit evidence that on November 1, 1963, he had completed two years of college and on November 1, 1963, he was actually enrolled in a teacher education curriculum in an approved institution or on that date was engaged in teaching in a foreign country. In either case, he shall submit evidence that he will have completed the requirements for the credential by September 15, 1966, or that he comes within a circumstance described in Education Code Section 13187.1 in which a prior regular credential may be granted after that date.

(B) A standard teaching credential with a specialization in elementary, secondary, or junior college teaching for which the applicant substitutes specialized preparation for the minor (specifying the area of specialization).

(3) If such a prior regular credential is named as the credential toward which the applicant is working:

(A) The number of semester hours described in former Section 392(b) which the applicant has completed, together with the list of courses in which they were earned, and the area of specialization in which any directed teaching was done.

(B) The number of years of successful full-time teaching which the applicant has had in teaching classes for exceptional children in the area of specialization.

(4) If a standard teaching credential is so named, a list of the course work and semester hours completed toward fulfillment of either Section 6261, 6262, 6263, 6264, or 6265, as appropriate to the specified area of specialization.

(5) The number of semester hours of the following work which the applicant proposes to take during the summer for which the grant is applied:

(A) The course work or directed teaching described in former Section 392(b), if the applicant has named a "prior regular credential".

(B) The course work described in Sections 6261, 6262, 6263, 6264, or 6265 as applicable, if the applicant has named a standard teaching credential.

(6) The name and location of the approved college or university in which the applicant proposes to take the work.

(7) The name of the district or office of the county superintendent by whom the applicant is employed and holds a position requiring certification qualifications, together with both:

(A) The date when the applicant began service with the district or county superintendent.

(B) A statement that the employee is under contract with the district or the county superintendent of schools to perform services in the named area of specialization for the school year commencing July 1 of the summer for which the application is submitted or that the employee is willing to enter into such a contract with his employing district or county superintendent provided the district offers him such employment at the appropriate step of the salary schedule of the district, or the county superintendent of schools offers it at a specified sum (the sum to be named).

History: 1. Amendment filed 4-20-66 as an emergency; effective upon filing (Register 66, No. 10).
2. Certificate of Compliance—Section 11422.1, Government Code—filed 5-25-66 (Register 66, No. 15).

77.3. Requirement for Application and Endorsement by Employer. The application and endorsement form shall be provided by the Superintendent of Public Instruction and used for the purpose of this article by the applicant and by the employer.

The governing board of the district or county superintendent of schools shall endorse on the employee's application that:

(a) The applicant is an employee of the district, holding a position requiring certification qualifications.

(b) The employer intends to enter into a contract with the applicant to make the Section 6875 grant requested.

(c) The employer either has executed a contract of employment with the applicant for the ensuing school year for the performance of service in the area of the named specialization, or intends to offer the applicant a contract for the performance of such service for such year at the appropriate step on the salary schedule of the district, or if a county superintendent of schools is the employer, at the amount of salary specified by the applicant in the application as required by Section 77.2 (b) (7) (B). The governing board or the county superintendent of schools shall deliver the employee's application so endorsed to the application selection committee, in care of the county superintendent of schools.

77.4. Distribution and Amount of Allowances for Grants. In order that allowances under Section 6876 may be made equitably from funds appropriated for the purpose:

(a) The Superintendent of Public Instruction shall reserve until May 15 for encumbrance by a county:

> (1) An amount of $300 for each county.
>
> (2) An amount from the balance remaining after the reservation specified in (1) is made, that is in the same proportion to such balance as the total school enrollment (K-12) in the county is to the total school enrollment (K-12) in the state. (The enrollment specified hereinabove is the enrollment reported in School District Report on Active Enrollment as of October 31, of the year preceding—Form No. R-30.)

(b) Any amounts reserved pursuant to (a) that are not encumbered by a county by May 15, shall thereafter be available for grants to qualified employees of any school district or county superintendent, and the Superintendent of Public Instruction shall proceed forthwith to approve the alternate applications of qualified employees submitted pursuant to Section 77.5.

History: 1. Amendment filed 4-20-66 as an emergency; effective upon filing (Register 66, No. 10).
2. Certificate of Compliance—Section 11422.1, Government Code—filed 5-25-66 (Register 66, No. 15).

77.5. Application Selection Committee. The county superintendent of schools shall appoint an application selection committee of three members, one of whom he shall appoint as chairman of the committee. The committee shall be composed of a district superintendent, a member of the staff of the county superintendent of schools, and a member of a district or county board of education.

The duties of the application selection committee are to:

(a) Review applications made in the calendar year in which the summer work is to begin.

(b) Select from among the applications so reviewed those which it deems would result in the most benefit to the schools of the county, limited, however, to a total requested amount not in excess of the amount reserved until May 15 for the county. Applications selected by the committee should concern an area of specialization of the physically handicapped or specialization in the area of the mentally retarded on the basis of the need of the county for teachers in each of such areas.

(c) Select two alternate applications from qualified applicants, if such alternates are available (alternate applications shall be clearly designated as such).

(d) Submit to the county superintendent of schools the applications selected by the committee, together with the alternate applications. The alternate applications shall be considered by the Superintendent of Public Instruction for approval only if the selected applications are found not to conform to the law or these regulations or if facts stated in the application cease to exist.

77.6. Duties of County Superintendent of Schools. The county superintendent shall:

(a) Review the applications submitted by the committee.

(b) Determine whether the applications are complete, the applicants are qualified, the total amount of credits requested in the applications, other than the alternate applications, is not in excess of the amount reserved for the county.

(c) Mail by May 15 to the Superintendent of Public Instruction for approval the selected applications and the alternate applications, if any, together with his recommendations.

77.7. Claim for Reimbursement. A claim for reimbursement under Education Code Section 6876 shall be filed with the Superintendent of Public Instruction by October 31.

77.8. Reports. School districts, county superintendents, applicants, and application selection committees shall furnish such reports and information with respect to grants as the Superintendent of Public Instruction shall require.

85. Definitions. As used in this article:

(a) Terms defined in Education Code Section 12820 mean the same as when used in Chapter 9 of Division 9 of the Education Code.

(b) "State testing program" means the achievement and intelligence testing program required by this article.

(c) "Pupil" means a person who, on any date during the time or time periods designated by the Superintendent of Public Instruction for any test, is in enrollment in a school maintained by the district, except:

(1) A mentally retarded minor coming within the provisions of Education Code Section 6902 or Section 6903 enrolled in a special school or special class and with respect to whose attendance the district may claim reimbursement for excess cost.

(2) A physically handicapped minor with respect to whose attendance the district may claim reimbursement for excess cost.

(3) A person absent from school during the entire period designated by the Superintendent of Public Instruction for the test.

NOTE: Additional authority cited for Article 10.5: Sections 12821 and 12825, Education Code.

History: 1. New Article 10.5 (Sections 85 through 85.6) filed 1-17-62; effective thirtieth day thereafter (Register 62, No. 1).

2. Amendment filed 5-22-64; effective thirtieth day thereafter (Register 64, No. 11).

86. Definition of "Pupil." As used in this article, "pupil" means a person who, on any day during the time or time periods designated by the school district for a physical performance test required by Education Code Sections 12821 and 12822, is in enrollment in a school maintained by the district, except:

(a) A physically handicapped minor.

(b) A person temporarily or permanently exempted from physical education courses under Education Code Section 8162 during the entire period designated by the school district for the tests.

NOTE: Authority cited: Section 12821. Reference: Section 12822, Education Code.

History: 1. New Article 10.6 (§§ 86-86.6) filed 5-22-64; effective thirtieth day thereafter (Register 64, No. 11).
2. Amendment filed 4-20-66; effective thirtieth day thereafter (Register 66, No. 10).

86.1. Required Program. Each school district maintaining the grades mentioned herein, or any of them, shall give, at least once during the 1966–1967 school year and at least once during each school year thereafter, to all pupils enrolled in one grade in each of the following groups, the physical performance test designated for that grade by the State Board of Education pursuant to Education Code Section 12821:

Group 1	*Group 2*	*Group 3*
Grades 4, 5, or 6	Grades 7, 8, or 9	Grades 10, 11, or 12

Notwithstanding the exception provided in Section 86(a), each physically handicapped pupil shall be given as much of the designated physical performance test as his condition will permit.

History: 1. Amendment filed 4-20-66; effective thirtieth day thereafter (Register 66, No. 10).

87.1. Criteria for Exemption or Exclusion of Pupils from Foreign Language Instruction.

NOTE: Authority cited: Sections 7511, 7604, and 8480, Education Code. Additional authority cited: Sections 152 and 7604.1, Education Code.

History: 1. New Article 10.7 (§§ 87.7-87.3) filed 5-22-64, effective thirtieth day thereafter (Register 64, No. 11).
2. Amendment of subsection (e) filed 3-20-68; effective thirtieth day thereafter (Register 68, No. 12).
3. Repealer filed 10-18-68; effective thirtieth day thereafter (Register 68, No. 39).

129.50. Scope. The provisions of this article apply to a school district maintaining a school or classes at a tuberculosis or polio ward, hospital or sanatorium maintained by a county or group of counties.

NOTE: Authority cited for Article 14.3: Section 6852 (formerly 9652), Education Code. Issuing agency: Superintendent of Public Instruction.

History: 1. New Article 14.3 (Sections 129.50 through 129.53) filed 2-4-58; effective thirtieth day thereafter (Register 58, No. 3).

129.51. Maintenance. A school or classes at a tuberculosis or polio ward, hospital or sanatorium may be maintained by a school district for the level authorized by law, as a regular day elementary, high school, or junior college school or classes, an approved evening high school, an approved evening junior college, or approved classes for adults.

129.52. Administration and Counseling. (a) **Evening Schools and Classes for Adults.** The administration and counseling for evening schools and classes for adults shall be as set forth in Sections 122, 122.01, 122.02, and 122.1(a) of this title.

(b) **Regular Day Schools or Classes.** When the school is maintained as a regular day school or the classes are connected with a regular day school, the administration and counseling pattern shall be the same as that employed in other regular day schools of the district. However, if 75 percent or more of the enrollment in any junior college class so maintained consists of adults as defined in Education Code Section 6352, the provisions of Section 122.02 of this title shall apply to such class in regard to the assignment of personnel therein described.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12).

129.53. Attendance Accounting. (a) A day of attendance for apportionment purposes is:

(1) For a pupil taught by individual instruction, as provided in Education Code Section 11202.

(2) For all other pupils, 180 minutes.

(b) **Counting Attendance.** Attendance shall be counted as specified in the indicated Education Code section or subsection of Section 9 of this title as follows:

(1) Evening schools and classes for adults—Section 9(f) of this title.

(2) Regular day schools or classes—Section 9(b), 9(c), or 9(d) of this title, as applicable to the grade level.

(3) Individual instruction—Education Code Section 11202, except that Section 9(j) of this title shall apply to pupils enrolled for less than a clock hour.

(c) **District Credited.** When two or more school districts authorized to establish schools of a different grade level operate such schools or classes and jointly employ personnel to administer and conduct the program, the attendance shall be credited to the several school districts appropriate to the authorized grade level of instruction.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12).

178.1. Prescribed Forms. The following forms are prescribed for reports required by Chapter 9.7 (commencing with Section 6941) of Division 6 of the Education Code.

(a) Reports on handicapped children participating in a special class, school, or program.

(1) State Department of Education Form No. D-1, entitled "Annual Report of Handicapped Minors Enrolled in Special Education Programs," shall be used for the reports required of school districts by Education Code Section 6942(a). (The county superintendent of schools shall prepare on these forms a comparable report with respect to such children in special education classes, schools, and programs that he maintains.)

(2) State Department of Education Form No. D-2, entitled "County Summary of Annual Reports on Handicapped Minors Enrolled in Special Education Programs," shall be used for the report of such children required of a county superintendent of schools by Education Code Section 6944.

(b) Reports on handicapped children not participating in a special class, school, or program.

(1) State Department of Education Form No. D-3, entitled "Report on Handicapped Minor Not Participating in a Special Education Class, School, or Program," shall be used for the report required of school districts by Education Code Section 6942(b) and 6943.

(2) State Department of Education Form No. D-4, entitled "Annual County Report on Handicapped Minors Not Participating in Special Education Programs," shall be used for the report required of a county superintendent of schools by Education Code Section 6944.

NOTE: Authority cited Section 6946, Education Code. Reference: Sections 6941–6946, Education Code.

History: 1. New Article 18.1 (Sections 178.1 through 178.3) filed 1-23-68 as an emergency; effective upon filing (Register 68, No. 4).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 3-7-68 (Register 68, No. 10).

178.2. Submission and Distribution of Reports. The forms prescribed in Section 178.1 shall be prepared, submitted, and distributed in accordance with instructions appearing on the respective forms.

178.3. Forms Furnished. The needed number of copies of forms shall be furnished as follows: (a) The county superintendent of schools shall furnish to school districts under their jurisdiction copies of forms described in Section 178.1(a)(1) and (b)(1).

(b) The Superintendent of Public Instruction shall furnish to county superintendents of schools forms described in Section 178.1(a)(2) and (b)(2).

179. Establishment of Occupational Training Programs. The governing board of an elementary, high school, or unified school district or the county superintendent of schools may, pursuant to Chapter 9.5 of Division 6 of the Education Code and this article, and pursuant to an approved plan, establish and conduct programs for preparing for suitable occupations minors declared in Section 179.3 to be eligible to participate therein. A plan is an approved plan if, prior to the establishment of a program, the school district or the county superintendent of schools has adopted and submitted to the State Department of Education for approval, and the latter has approved, a plan for the program.

The governing board may delegate the actual conduct and administration of such a program to the chief administrative officer of the district. The county superintendent of schools may make such delegation to any certificated employee he deems proper.

NOTE: Authority cited for Article 18.1: Section 6931, Education Code.

History: 1. New article 18.1 (Sections 179 through 179.7) filed 12-4-62; effective thirtieth day thereafter (Register 62, No. 25).

179.1. Program. The program shall consist of both: (a) Organized learning experiences for the duration of the minimum school day within the special day class or special training class in which the pupil is enrolled.

(b) Learning experiences within a sheltered work environment for the period of time appropriate to the individual pupil's level of tolerance as such tolerance is determined by the Selection and Evaluation Committee.

179.2. Procedures to Be Established. The program shall provide opportunities for eligible pupils to develop the emotional adjustment and control, and to learn social and vocational skills, required in order for them to work and function satisfactorily in a sheltered work environment. The governing board, the county superintendent of schools, or persons to whom the board or county superintendent of schools have delegated the duty shall adopt both:

(a) Procedures for integrating the learning experiences in the special day class or special training class and the learning experiences in the sheltered work environment, so that each type of learning experience will supplement the other in order that the pupil may find and achieve an occupational goal.

(b) Procedures for evaluating the accomplishment and occupational competence of the pupil and the success of the program as conducted.

179.3. Pupils Eligible for the Program. To be eligible to participate in the program a pupil shall, at the time of placement, meet all of the following requirements:

(a) Be between 16 and 21 years of age.

(b) Be one of the following:

(1) A physically handicapped minor, as defined in Education Code Section 6801, enrolled in a special day class established under Education Code Section 6812 or 8903.

(2) A mentally retarded minor, as defined in Education Code Section 6902 or 6903, enrolled in a special training class established under Education Code Section 6904, 6905, or 8951.

(c) Be determined in writing by the Selection and Evaluation Committee to be both:

(1) Unable to profit by a course of work experience education as provided in Article 4 of Chapter 4 of Division 7.

(2) Able to be trained for suitable employment, including, but not limited to, a sheltered workshop for the disabled described in Education Code Section 7042 or other place of sheltered employment, or be likely to succeed in achieving an occupational goal through the program.

(d) Be physically able to tolerate the combined school-workshop day, as determined by the family physician, or with the parent's approval, by a school physician or other physician.

(e) Have filed with the school district or county superintendent the written approval of his parents or legal guardian.

179.4. Contract With Sheltered Workshops. The school district or county superintendent of schools conducting a program under this article shall enter into a written agreement with the owners or operators of a sheltered workshop defined in Education Code Section 7042 or other place of sheltered employment.

(a) The contract shall set forth the terms and conditions of the agreement and shall, among other things, provide that the owner or operator of the workshop or other place of sheltered employment will render the following services:

(1) Provide a work evaluation and sampling program.

(2) Provide a supervised work skills or work adjustment program providing levels of development consistent with the abilities of the pupils enrolled.

(3) Evaluate the work of the pupils.

(4) Report to the school or county superintendent conducting the program, at such times and as frequently as the school or superintendent shall require, the progress of each participating pupil in the area of specialized training and evaluate his potential for developing the ability to take part in suitable employment. One copy of the report shall be sent to the instructor of the special class in which the pupil is enrolled, and one copy shall be sent to the Chairman of the Selection and Evaluation Committee.

(b) The consideration stated in the contract to be paid by the district or county superintendent shall not exceed the lower of the following:

(1) The cost to the owner or operator of furnishing the training to the pupils. The cost shall be determined and evidenced by such means as the district or county superintendent and the owner or operator shall agree, except that in determining the cost any profits or benefits received by the owner or operator from the work of the pupil shall be subtracted from the expenses of training.

(2) The sum of $500 for a pupil whom the owner or operator trained for the first school year the pupil is assigned to a program; $400 for a pupil whom the operator trained for the second school year the pupil is assigned to a program;

$300 for a pupil whom the operator trained for the third or any succeeding year the pupil is assigned to a program. If a pupil is enrolled in the program only part of a school year, the amount payable as to that pupil shall be in the same ratio as the number of days of training received bears to the number of days the regular day schools were in session.

179.5. Selection of Pupils and Review. (a) The chief administrative officer of the school district or the county superintendent of schools shall appoint a Selection and Evaluation Committee. Such committee shall be composed of certificated school personnel involved with the education and training of the pupil, and other appropriate persons.

(b) The Selection and Evaluation Committee shall consider the ability of pupils as set forth in subparagraphs (1) and (2) of subsection (c) of Section 179.3 and recommend for or against assignment of pupils to a program.

(c) The chief administrative officer of the school district or the county superintendent of schools or a certificated employee designated by him shall determine the eligibility of pupils and make the actual assignment of pupils to a program.

(d) The progress and achievement of the pupils shall be periodically reviewed and examined by the selection and evaluation committee to determine whether the child should be continued in the program or considered for different placement.

179.6. Withdrawal From the Program. Participation of a pupil in an occupational training program shall be terminated by the chief administrative officer of the school district or the county superintendent or by an employee to whom he delegates the responsibility if the parents or guardian of the pupil request termination of the pupil's participation or if the Selection and Evaluation Committee after its review and evaluation recommends termination for one of the following reasons:

(a) The pupil can no longer profit from the occupational training program.

(b) The pupil has acquired sufficient work skills so as to be able to qualify for a work experience education program, or

(c) The pupil has qualified for full-time or substantial part-time employment.

179.7. Report. The school district or the county superintendent shall file a report of the operation of an occupational training program with the Department of Education not later than June 30 of each school year in which the program is operated. The report shall be made on forms provided for that purpose by the Superintendent of Public Instruction.

180. Pupils Coming Within Education Code Sections 6902 and 6903 Educated by a School District. A pupil who comes within Education Code Section 6902 or Education Code Section 6903 who is less than 14 years and 9 months of age on September 1 is, for fiscal purposes, the responsibility of the elementary district in which he resides, regardless of whether the class he attends is maintained by a high school district or an elementary district. Conversely, a pupil 14 years and 9 months of age or over as of September 1 is the fiscal responsibility of the high school district in which he resides, regardless of whether the class he attends is maintained by a high school district or an elementary district. The attendance is credited to the district which maintains the class the pupil attends.

Note: Authority cited: Section 6904.1, Education Code.

History: 1. New Article 18.4 (§§ 180 through 180.3) filed 8-17-65; designated effective 7-1-66 (Register 65, No. 15). For history of former Section 180, see Register 65, No. 15.

180.1. Pupils Educated by a County Superintendent of Schools. In a school or class maintained by a county superintendent of schools for pupils coming within Section 6902 or 6903, if a majority of the pupils are 14 years and 9 months of age or over as of September 1, all pupils in the school or class are deemed to be of secondary grade for attendance accounting and state apportionment purposes. Conversely, if a majority of such pupils are under 14 years and 9 months of age as of September 1, all pupils in the school or class are deemed to be of elementary grade for those purposes.

The fiscal responsibility of a pupil's district of residence remains as specified in Section 180.

180.2. Age of Pupils. A pupil's age on September 1 shall be deemed to be his age throughout the school year.

180.3. Agreements. The establishment of age levels determining fiscal responsibility of school districts for the education of mentally retarded minors is not intended to impede the serving of the best interests of pupils through written agreements permitted by law.

181. Pupils Coming Within Education Code Sections 6801 and 6802. The education of a physically handicapped minor as defined in Education Code Sections 6801 and 6802 who is less than 14 years and 9 months of age on September 1 is the responsibility of the elementary district in which he is actually living five or more days a week, except that if such pupil attends a secondary class (9th grade or above), the cost of his education is the responsibility of, and his attendance for apportionment purposes shall be credited to, the high school district which he attends.

The education of any such pupil who is 14 years and 9 months of age or over as of September 1 is the fiscal responsibility of the high school district in which he is actually living five or more days a week. If he attends a class lower than the 9th grade, his education remains the fiscal responsibility of the high school district but for the purpose of computing State apportionments his attendance shall be deemed to be at the elementary level.

NOTE: Authority cited: Section 6806.1, Education Code.

History: 1. New Article 18.5 (Sections 181, 181.1, 181.2 and 181.3) filed 1-27-66; designated effective 7-1-66 (Register 66, No. 3). For history of former Section 181, see Register 65, No. 15.

181.1. Pupils Educated by a County Superintendent of Schools. In a school or class maintained by a county superintendent of schools for physically handicapped pupils as defined in Sections 6801 or 6802, if a majority of the pupils are 14 years and 9 months of age or over as of September 1, all pupils in the school or class are deemed to be of secondary grade for attendance accounting and State apportionment purposes. Conversely, if a majority of such pupils are under 14 years and 9 months of age as of September 1, all pupils in the school or class are deemed to be of elementary grade for those purposes.

The fiscal responsibility of the school district in which the pupil lives remains as specified in Section 181.

181.2. Age of Pupils. A pupil's age on September 1 shall be deemed to be his age throughout the school year.

181.3. Agreements. The establishment of age levels determining fiscal responsibility of school districts for the education of physically handicapped minors is not intended to impede the serving of the best interests of pupils through written agreements permitted by law.

182. Eligibility of Pupils. The eligibility of a minor for admission to a special training school or class for mentally retarded minors coming within the provisions of Education Code Section 6902 shall be determined as provided in Education Code Sections 6908 and 6909 and after such pupil has been given an accepted verbal or nonverbal individual intelligence test. For minors of an appropriate age, group intelligence tests may be used as screening devices.

History: 1. Amendment filed 7-14-65; effective thirtieth day thereafter (Register 65, No. 12).

183. Admission. The responsibility for the assignment of a minor to any such school or class maintained by a school district shall rest with the administrative head of the school district or an employee of the district designated by him. The assignment of a minor shall be made only after a group conference of the psychologist, the school principal, the minor's teacher, the school physician or nurse, if any, and any other person designated by the person responsible for making such assignment.

184. Appropriate Class Size and Maximum Enrollment. The appropriate class size and maximum enrollment for special day classes for such minors is 18 pupils, except that when the chronological age span is more than four years the appropriate class size and maximum enrollment is 15. A special class teacher shall have no more than the maximum enrollment during any instructional period and the total program enrollment shall not exceed the ratio of the maximum enrollment per special class teacher. These limits may be exceeded only as an emergency measure upon the prior approval of the Superintendent of Public Instruction when such limits would act to deny an individual child appropriate schooling. Such special approval shall not be given for longer than the time remaining in the current school year.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code.

History: 1. Amendment filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

185. Program Day. The program day for all special classes for mentally retarded minors shall be, in length of time, the same as the program day for regular classes of pupils of similar chronological age in the school in which the special classes are maintained. The program day for all special classes for mentally retarded minors not maintained as a part of a regular school shall be the average of all special classes for mentally retarded minors throughout the county for pupils of similar chronological age. Each special class shall be taught by a full-time appropriately credentialed teacher whose sole responsibility it is to direct and supervise the educational program of the pupils enrolled in the class during the program day.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code.

History: 1. Repealer and new section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7). For former section, see Register 66, No. 45.

185.1. Instructional Day. (a) The minimum instructional day for the first three years at the elementary level (comparable in chronological age to pupils in first, second, and third grades of regular classes) shall be 200 minutes under the immediate supervision of a special class teacher and the remainder of the full-time instructional day shall be under either the immediate or general supervision of a special class teacher.

(b) The minimum instructional day for the second three years at the elementary level (comparable in chronological age to pupils in the fourth, fifth, and sixth grades of regular classes) shall be 240 minutes under the immediate supervision of a special class teacher and the remainder of the full-time instructional day shall be under either the immediate or general supervision of a special class teacher.

(c) The minimum instructional day for the first two years at the secondary level (comparable in chronological age to pupils in seventh and eighth grades of regular classes) shall consist of 240 minutes under the immediate supervision of a special class teacher and the remainder of the full-time instructional day shall be under either the immediate or general supervision of a special class teacher.

(d) The minimum instructional day for the last four years at the secondary level (comparable to the 9th, 10th, 11th, and 12th grades of regular classes) or for a departmentalized junior high school shall be either:

(1) 240 minutes under the immediate supervision of a special class teacher with the remainder of the full-time instructional day under either the immediate or general supervision of a special class teacher; or

(2) With prior approval of the Superintendent of Public Instruction, 180 minutes under the immediate supervision of a special class teacher and the remainder of the full-time instructional day under either the immediate or general supervision of a special class teacher.

(e) The minimum instructional day for the last year at the secondary level (comparable to the 12th grade of the regular classes) shall be one of the following:

(1) That described in (d)(1).

(2) That described in (d)(2).

(3) With prior approval of the Superintendent of Public Instruction, 120 minutes under the immediate supervision of a special class teacher with the remainder of the full-time instructional day under the general supervision of a special class teacher. This provision is designed to implement intensive work-study programs.

(f) Requests for prior approval of the Superintendent of Public Instruction for (d)(2) and (e)(3) shall be submitted on forms prepared by the Department of Education. Approval must be granted prior to the initiation of the program and shall be effective as long as the program operates as approved. An annual report for the program operated under (d)(2) and (e)(3) shall be submitted to the Department of Education by July 15 of each year on forms prepared by the Department of Education.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code.

History: 1. New section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

185.2. Instructional Program. (a) The instructional program for all such schools and classes shall:

(1) Be nongraded in content organization.

(2) Be designed to fit the educational and training needs of the mentally retarded enrolled in the program pursuant to Education Code Section 6902.

(3) Conform to the general guidelines adopted by the State Board of Education for the mentally retarded pursuant to Education Code Section 160.

(4) Be approved by the administrative head of the district or county superintendent maintaining the special school or class.

(b) Special class teachers shall be assigned to the instructional program of the special schools or classes on a full-time basis at the ratio of at least one teacher per special class. Additional staff may be assigned on a less than full-time basis beyond this basic staffing ratio.

(c) The time during which a special class teacher is providing general supervision may be used in performing duties which directly contribute to the special class pupils and the special class program but may not be used for duties and responsibilities to pupils not enrolled in a special class program.

(d) The instructional program for all such schools or classes shall be vocationally oriented and shall include work training opportunities at the high school level.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code.

History: 1. New section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

185.3. Granting of Diploma. The governing board of each unified or high school district and the county superintendent of schools required or authorized to maintain special schools or classes for mentally retarded minors who come within Education Code Section 6902 shall issue a diploma or other certificates of graduation to each person who has satisfactorily met the minimum requirements of the instructional program developed and adopted according to the guidelines approved by the State Board of Education pursuant to Education Code Section 160.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code.

History: 1. New section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

186. Program Supervision. Program supervision shall be provided for all such schools and classes by persons holding appropriate credentials. Such persons may be employed by a district or through contractual agreements with other school districts or county superintendents of schools. The term "supervision" as used in this section means those activities having as their basic purpose the actual improvement of the special instructional program.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code.

History: 1. Amendment filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

187. Case Studies. Individual case study records shall be kept of all pupils placed in such schools or classes.

188. Experimental Programs. The Superintendent of Public Instruction may approve a waiver of compliance with the provisions of enrollment, program day, instructional day, and teacher-pupil ratio as contained in this article, for experimental programs or projects under the following conditions:

(a) The proposed program has regional or statewide significance.

(b) The proposal has been submitted for review at least 180 days prior to the date of initiation. (For the 1968–69 school year the number of days may be 45.)

(c) The proposal contains comprehensive evaluation procedure.

(d) A final report of the program or project shall be prepared by the applicant.

(e) The waiver is requested for three years or less.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code. Reference: Sections 6906 and 6754, Education Code.

History: 1. New section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).
2. Amendment of subsection (b) filed 5-15-68 as an emergency; effective upon filing (Register 68, No. 19).
3. Certificate of Compliance—Section 11422.1, Gov. Code, filed 7-19-68 (Register 68, No. 27).

191. Deaf and Hard of Hearing Minors (3 to 6 Years of Age).

NOTE: Authority cited: Sections 6804 and 6812, Education Code.

History: 1. Repealer and new section filed 9-20-63 as an emergency; designated effective 9-20-63 (Register 63, No. 16). For history of former section see Register 16, No. 1.
2. Certificate of Compliance—Section 11422.1, Government Code, filed 11-20-63 (Register 63, No. 23).
3. Repealer filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

191.1. Eligibility of Physically Impaired Minors Handicapped in Mobility for Special Class Placement. (a) A physically impaired minor pupil handicapped in mobility eligible for special class placement within the meaning of Education Code Section 18060 is a minor who has been diagnosed by a physician as having a serious impairment of locomotion due to one of the following:

(1) Hemophilia
(2) Uncontrolled epilepsy
(3) Severe cardiac impairment

or who has been diagnosed by a physician as having a serious impairment of locomotion due to some other cause and prior to receiving transportation has been declared eligible by the Superintendent of Public Instruction.

(b) If such a pupil is reported as transported to and from special classes, the Superintendent of Public Instruction may require evidence of his eligibility under subsection (a).

NOTE: Authority cited: Section 18060, Education Code.

History: 1. New section filed 9-20-63 as an emergency; designated effective 9-20-63 (Register 63, No. 16).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 11-20-63 (Register 63, No. 23).

191.2. Physically Handicapped Children Defined for Purposes of Education Code Section 18060.2. For the purposes of Education Code Section 18060.2 only, physically handicapped minors eligible for special class placement are defined as pupils decribed in Section 191.1 and in Article 7 of Subchapter 5.5 of Chapter 1. Nothing in this regulation affects the right of other physically handicapped pupils who come within provisions of Education Code Sections 6801 ff. to be placed in special day classes or integrated programs of instruction.

NOTE: Authority cited: Section 18060.2, Education Code.

History: 1. New section filed 9-20-63 an an emergency; designated effective 9-20-62 (Register 63, No. 16).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 11-20-63 (Register 63, No. 23).

191.3. Definitions. For the purposes of this article, physically handicapped minors eligible for admission to special education programs are any of the following:

(a) **The Deaf.** A minor is deaf if he comes within any of the following descriptions:

(1) He has a hearing loss in his better ear that is from 70 decibels in the speech range to inability to distinguish more than two frequencies at the highest measurable level of intensity, with the result that he cannot understand and acquire speech and language through the sense of hearing, even with sound amplification.

(2) He has a hearing loss in his better ear that averages 50 or more decibels in the speech range, and because he has had a sustained loss from babyhood or very early childhood, does not learn language and speech through the unaided ear.

(3) In the combined opinion of a hearing specialist and a qualified educator, he would benefit from the special educational facilities provided for deaf minors.

(b) **The Severely Hard of Hearing.** A minor is severely hard of hearing if he comes within any of the following descriptions:

(1) He has a hearing loss in his better ear that is from 45 to 70 decibels in the speech range and, as a result, suffers delayed speech and language development to such an extent as to hamper his progress in a regular classroom at a rate commensurate with his intellectual ability.

(2) He has a hearing loss in his better ear that averages more than 30 decibels in the speech range, the loss was sustained in babyhood or early childhood, and it has resulted in delayed speech and language development.

(3) He has a hearing loss in his better ear that averages more than 30 decibels in the speech range, the loss has been diagnosed by a licensed physician and surgeon to be progressive in nature, and the minor, because of delayed speech and hearing development, has need for placement in a special day class or integrated program.

(c) **The Moderately Hard of Hearing.** A minor is moderately hard of hearing when all of the following statements apply to him:

(1) He has a hearing loss in the better ear of from 20 to 40 decibels in the speech range.

(2) His speech or language is impaired and such impairment presumably is associated with his hearing loss.

(3) His hearing loss interferes with his progress in a regular classroom.

(4) His individual and educational needs indicate placement in a remedial class.

(5) A licensed physician and surgeon, audiologist, or teacher (or specialist) holding a credential in the area of the speech and hearing handicapped, has assessed the extent of the minor's hearing impairment and has recommended that he receive remedial instruction.

(d) **The Blind.** A minor is blind who comes within either of the following descriptions:

(1) His visual acuity in the better eye, after the best correction, is 20/200 or less.

(2) His visual loss is so severe that, for educational purposes, vision cannot be used as a major channel of learning.

(e) **The Partially Seeing.** A minor is partially seeing who comes within either of the following descriptions:

(1) His visual acuity is 20/70 or less in the better eye, after the best correction, and he can use vision as a major channel of learning.

(2) His vision deviates from the normal to such an extent that, in the combined opinion of a qualified educator and either physician and surgeon or an optometrist, he can benefit from the special educational facilities provided partially seeing children.

(f) **Orthopedic or Other Health Impairment.** A minor is orthopedic or other health impaired if a licensed physician and surgeon finds in his diagnosis that the minor has a serious impairment of his locomotion or motor function and that the impairment was caused by crippling due to one of the following:

(1) Cerebral Palsy.

(2) Poliomyelitis.

(3) Infection, such as bone and joint tuberculosis and osteomyelitis.

(4) Birth injury, such as Erb's palsy or fractures.

(5) Congenital anomalies, such as congenital amputation, clubfoot, congenital dislocations, or spina bifida.

(6) Trauma, such as amputations, burns, or fractures.

(7) Tumors, such as bone tumors, or bone cysts.

(8) Developmental diseases, such as coxaplana or spinal osteochondritis.

(9) Other conditions, such as fragile bones, muscular atrophy, muscular dystrophy, Perthes' Disease, hemophilia, uncontrolled epilepsy, or severe cardiac impairment.

A minor who has been diagnosed by a licensed physician and surgeon as having serious impairment of locomotion due to some other cause, and the Superintendent of Public Instruction has declared that he is eligible to receive special transportation.

(g) **The Aphasic.** A minor is aphasic when all of the following statements apply to him:

(1) He has a severe speech and language disability.

(2) The dysfunction or impairment is evidenced by a written diagnosis or determination (as appropriate) as aphasia or probable aphasia by each of the following:

(A) A licensed physician and surgeon who has training and experience in working with children who have neurological defects;

(B) A credentialed or certified psychologist;

(C) A teacher (or specialist) credentialed in the area of the speech and hearing handicapped, or a member of the staff of a speech and hearing clinic or center who holds certification by the American Speech and Hearing Association

(3) The disability is diagnosed or determined (as appropriate) by each of the persons described in (2) to be other than a speech and language disability associated with deafness, mental retardation, or autism, and to be of an expressive, receptive, or integrative character, or any combination of such characters.

(4) The disability is of such severity as to require enrollment in a special day class, individual instruction, or instruction under Education Code Sections 6871–6873.

(h) **The Speech Handicapped.** A minor, exclusive of the deaf, severely hard of hearing, moderately hard of hearing, and aphasic as defined herein, is speech handicapped if he is identified by a teacher (or specialist) holding a credential authorizing the teaching of speech and hearing handicapped minors as having abnormality of speech and oral language calling adverse attention to itself, impairing communication or causing maladjustment arising out of problems with articulation, rhythm, voice or oral language usage.

(i) **Other Physically Handicapped.** A minor is "other physically handicapped" if he comes within either of the following descriptions:

(1) He has a physical illness or physical condition which makes attendance in regular day classes impossible or inadvisable.

(2) He has a physical impairment so severe as to require instruction in remedial (formerly special) physical education.

Note: Authority cited for §§ 191.3, 191.4, 191.5: Sections 6804, 18060, 18101.5 and 18103, Education Code.

History: 1. New Sections 191.3, 191.4 and 191.5 filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

191.4. Program Distinction. The distinction between special day classes and other forms of instruction offered physically handicapped minors is established as follows:

(a) **Special Day Class.** There are three kinds of special day classes for physically handicapped minors as follows:

(1) **Integrated Class** (i.e., a program defined in Education Code Section 18102.4). The characteristics of an integrated class are:

(A) For the purposes of an integrated program, a "class" constitutes those handicapped pupils who are assigned to one special teacher for supplementary teaching services as required by Education Code Section 18102.4, and does not relate to the pupils in the "regular class" in which he is enrolled.

(B) The class is established for a group of pupils with similar handicapping condition defined in Section 191.3(a), (b), (d) through (g) and (i) (1) or for a group combining pupils defined in (a) and (b) or a group combining pupils defined in (d) and (e).

(C) Each pupil enrolled in the class, except as provided in Section 9(i) and in Education Code Section 11201, attends school for at least the minimum school day necessary for determining a day of attendance.

(D) The class is taught by a full-time teacher whose responsibility it is to teach pupils enrolled in the class for the school day established by the governing board for regular classes at the grade level of that pupil in the special class who is at the highest grade level.

(2) **Self-Contained Class.** The self-contained class has the following characteristics:

(A) All of the characteristics described in (1) (B), (C), and (D).

(B) Each pupil enrolled in the class is scheduled in the special day class for at least three-fourths of the minimum school day for that pupil's grade level.

(3) **Teleclass.** A teleclass has the following characteristics:

(A) The characteristic described in (1) (D).

(B) The class is established for homebound or hospitalized physically handicapped minors who are unable to attend a regular class, integrated class, or self-contained class and have been diagnosed by such a physician and surgeon as being orthopedic or other health impaired.

(C) The class is taught over special telephone or television equipment.

(D) Each pupil enrolled in the class, except as provided by Section 9(i), actively participates in the learning program for the minimum school day appropriate to his grade placement.

(E) The teacher of the class or his representative visits the pupil at his home or in the hospital at regular intervals as defined in Section 195.13.

(b) **Other Instructional Methods or Organization.** Other instructional methods or organization are:

(1) **Regular Day Class.** A physically handicapped pupil enrolled in a regular day class for which expenses are incurred for special services such as supplemental teaching, transportation, teaching aids and equipment over and beyond services provided pupils not determined to be physically handicapped may, in order to benefit fully from the regular classroom instruction, be taught in the regular day class.

(2) **Remedial Class.** A remedial class is a class providing to physically handicapped minors who are excused in small numbers for not to exceed a class period or one hour from regular classes, special day classes, special training schools, or summer school classes one of the following:

(A) Remedial instruction in other than physical education.

(B) Instruction in remedial (formerly "special") physical education to pupils defined in Sections 194 and 194.1.

(3) **Individual Instruction in Mobility.** Individual instruction in mobility described in Education Code Section 18102 (3) (e) is that which meets the following requirements:

(A) The pupil is blind.

(B) A person holding a credential authorizing services as a mobility instructor gives the instruction.

(C) The number of blind pupils assigned to a mobility instructor at any given time does not exceed 8 unless prior written approval has been given by the Superintendent of Public Instruction.

(D) The pupil has not previously during his public school enrollment received a total of 340 periods of individual instruction in mobility. (This maximum may be exceeded for a given pupil upon the prior written approval of the Superintendent of Public Instruction.)

(E) Each period of individual instruction in mobility is at least 45 minutes of pupil-instructor contact, exclusive of travel time, record keeping, and the like required of the mobility instructor.

(F) The number of periods of individual instruction provided a blind pupil is currently kept and is recorded on his permanent cumulative record.

(4) **Other Individual Instruction.** Individual instruction other than individual instruction in mobility is that instruction which a teacher gives to an individual physically handicapped minor in:

(A) Hospitals, sanatoriums, preventoriums, in the home, at the bedside in institutions.

(B) The school, in the case of a minor with speech deviations at the age of 3 years.

(C) The school or the home, in the case of a deaf or severely hard of hearing minor between 3 and 6 years of age if there are fewer than five such educable minors in the community making the establishment of a special day class impracticable.

(D) An experimental program conducted pursuant to Education Code Section 6812.5 for deaf and severely hard of hearing minors between 18 months and 3 years of age.

(5) **Other Means.** Any other means of instructing a physically handicapped minor that is approved by the State Department of Education.

History: 1. Amendment filed 12-20-68; effective thirtieth day thereafter (Register 68, No. 48).

191.5. Special Day Class Size. (The number of pupils enrolled in a class at any given time is the size of the class. See definition of "class" in 191.4 for integrated programs.) The appropriate size of a special day class for the respective type of physically handicapped minors for purposes of Article 11 of Chapter 3 of Division 14 of the Education Code is as follows:

Type or types of pupils in class	*Preschool and lower elementary (Age range, approx. 3 through 8 years, except as shown)*	*Upper elementary and secondary (Age range, approx. 9 through 20 years)*
Deaf	6	8
Severely hard of hearing	8	10
Both the deaf and severely hard of hearing	6	8
Blind	8	10
Partially seeing	10	12
Both the blind and the partially seeing	8	10
Orthopedic or other health impaired		
Integrated and self-contained classes	12	16
Teleclass (entrance age: 5 years 9 months)	10	15
Pregnant girls	x	20
Remedial physical education	20	20
Aphasic	6	8

A class for any of the foregoing categories of handicapped minors in which there are pupils below and above 9 years of age enrolled, shall be that size specified for the preschool/lower elementary level for the particular category of handicapped involved.

Any increase of enrollment above the appropriate size shall be made only on prior written approval of the Superintendent of Public Instruction on request initiated after the opening of school each year.

History: 1. Amendment filed 12-20-68; effective thirtieth day thereafter (Register 68, No. 48).

192. Special Day Class Defined.

NOTE: Authority cited: Section 6804 (formerly 9613), Education Code.

History: 1. New section filed 7-24-51 as an emergency; effective upon filing (Register 25, No. 2).
2. Repealer filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

193. Size of Certain Special Day Classes.

NOTE: Authority cited: Section 6804 (formerly 9613), Education Code.

History: 1. New section filed 7-24-51 as an emergency; effective upon filing (Register 25, No. 2).
2. Amendment filed 12-4-62; effective thirtieth day thereafter (Register 62, No. 25).
3. Repealer filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

193.1. Physically Handicapped Minors for Whom No Special Education Facilities and Services are Available. (a) Whenever the governing board of a school district elects, under the circumstances set forth in Education Code Section 6871, to provide for the education of a given physically handicapped minor by paying the minor's parent or guardian the amounts specified in that section, the governing board shall, on forms provided by the Superintendent of Public Instruction, apply to the Superintendent of Public Instruction for his prior approval. The governing board shall forward the completed application to the County Superintendent of Schools, who shall review the application and forward it with his recommendation to the Division of Special Schools and Services, State Department of Education. Approval of the Superintendent of Public Instruction shall be valid to the close of the school year with respect to which application is made.

(b) If, during a school year, the governing board deems it desirable that the minor transfer to a different public or private nonsectarian school, the governing board shall submit through the County Superintendent of Schools to the Superintendent of Public Instruction a request for prior approval of the transfer, specifying the reasons for transfer, the school to which such transfer is contemplated, the amount of tuition that will be charged by the school for the remainder of the period, and such other information as the Superintendent of Public Instruction may require.

(c) Application for approval of continuing the education of a given physically handicapped minor under the provisions of Article 3, Chapter 8, Division 6, of the Education Code shall be submitted annually. In addition to all other requirements, the second and all subsequent applications for a given minor shall be accompanied by a written statement of the minor's school achievement for the prior school year. The statement shall be on the official stationery of, and signed by the person in charge of, the school or schools attended.

Note: Authority cited: Section 6871, Education Code.

History: 1. New section filed 9-20-63 as an emergency; designated effective 9-20-63 (Register 63, No. 16).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 11-15-63 (Register 63, No. 22).

193.2. Maximum Teacher Load of Speech and Hearing Handicapped Minors in Remedial Classes. A full-time teacher holding a credential authorizing service as a teacher of speech and hearing handicapped minors shall have enrolled in remedial classes which he teaches during any one week no more than 90 such minors. The minimum and maximum number of such minors so enrolled shall be reduced proportionately in the case of part-time teachers.

The Superintendent of Public Instruction may require school districts and county superintendents to furnish any information which he deems necessary to ascertain compliance with this section.

Note: Authority cited: Sections 152 and 6804, Education Code.

History: 1. New section filed 2-24-64; designated effective 7-1-64 (Register 64, No. 5).

193.3. Experimental Programs for Deaf and Severely Hard of Hearing Minors Between the Ages of 18 Months and Three Years. (a) The governing board of a school district or a county superintendent of schools electing under Education Code Section 6812.5 to provide an experimental program for deaf and severely hard of hearing minors between the ages of 18 months and three years shall apply to the Superintendent of Public Instruction for his prior approval on forms provided. The application of a school district shall be routed to the county superintendent of schools for review, approval, and forwarding to the Superintendent of Public Instruction for his approval. Approval is valid to the close of the school year, including any extended school year for which the application is made.

(b) Application for approval to continue the experimental program shall be submitted annually. An evaluation of the program for the prior school year, prepared on the official stationery of the district or county and signed by the superintendent, shall accompany the application.

(c) A school district or county superintendent of schools maintaining an experimental program shall submit an annual report concerning that program to the Superintendent of Public Instruction. The report, prepared in accord with the format prescribed by the Superintendent of Public Instruction for such report, shall be submitted by August 15 immediately following the school year in which the experimental program was conducted.

NOTE: Authority cited Section 6812.5, Education Code.

History: 1. New section filed 1-23-68 as an emergency; effective upon filing (Register 68, No. 4).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 3-7-68 (Register 68, No. 10).

194. Instruction of Physically Handicapped Minors in Remedial Physical Education. Instruction of physically handicapped minors in remedial physical education described in Education Code Section 18102(3)(c) (formerly called special physical education classes) is designed for eligible pupils, as defined in Section 194.1, who have physical handicaps so severe as to prevent normal participation in physical education classes or normal participation in physical education classes designed to meet the needs of pupils with minor or moderate physical defects, and to necessitate their assignment for not less than six school weeks to instruction in remedial physical education. Teachers instructing physically handicapped minors in remedial physical education shall be qualified to give such instruction.

NOTE: Authority cited for Article 20.1: Sections 6804, 18060, 18101.5, 18103, Education Code.

History: 1. Amendment filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3). For prior history, see Register 64, No. 7.

194.1. Eligibility of Pupils. A pupil is eligible for assignment to instruction in remedial physical education as defined in this article if, upon diagnosis by a licensed physician and surgeon he is found to have one or more of the following conditions:

(a) Serious impairment of his locomotion by crippling due to infection, including but not limited to bone and joint tuberculosis, cerebral palsy, poliomyelitis, and the like; or to birth injury, including but not limited to Erb's palsy, bone fractures, and the like; or to congenital anomalies, including but not limited to congenital amputation, clubfoot, congenital dislocations, spina bifida; or to trauma, including but not limited to amputations, burns, and fractures, and the like; or to tumors, including but not limited to bone tumors, bone cysts; or to developmental diseases, including but not limited to coxa plana, spinal osteochondritis; or to other crippling conditions, including but not limited to fragile bones, muscular atrophy, muscular dystrophy, Perthes' disease.

(b) Severe sensory impairments.

(c) Severe cardio vascular, respiratory, or glandular conditions.

(d) Severe postural difficulties.

(e) Other severe disabling physical conditions.

History: 1. Amendment filed 7-21-59; effective thirtieth day thereafter (Register 59, No. 12).
2. Amendment filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

194.2. Admission and Dismissal. Eligible pupils shall be assigned to or removed from instruction in remedial physical education by the chief executive officer of the school district or other district employee designated by him, or by the county superintendent of schools or a member of his staff designated by him, only upon the recommendation of an admissions and dismissals committee composed of at least one person from each of the following categories:

(a) A physician and surgeon, who may be the school physician.

(b) A physical education teacher.

(c) A nurse, health coordinator, or a certified employee designated as chairman of a school health committee.

(d) A certificated employee assigned to special education, counseling, or guidance activities. In addition, the chief executive officer or county superintendent may appoint any other certificated employee or employees to be a member of the committee.

History: 1. Amendment filed 7-21-59; effective thirtieth day thereafter (Register 59, No. 12).
2. Amendment filed 3-25-64; designated effective 9-1-64 (Register 64, No. 7).
3. Amendment filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

194.3. Size of Instructional Group. No more than 20 pupils shall be enrolled under the instruction of one teacher in any one remedial physical education period. This limit may be exceeded only upon written approval of the Superintendent of Public Instruction. No minimum number is specified.

History: 1. Amendment filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

194.4. Maximum Average Daily Attendance for Which Allowances for the Instruction of Physically Handicapped Minors in Remedial Physical Education May Be Made. The total average daily attendance of pupils receiving instruction in remedial physical education by a district, or by a county superintendent of schools, at the elementary, high school, or junior college level, is limited to one per cent of the average daily attendance of the district for that educational level for the current year. This limit may be exceeded for a given school year only upon the written approval of the Superintendent of Public Instruction. (For the purpose of estimating the number of pupils that may be enrolled in such instruction, assuming the periods are one hour in length, that will accumulate average daily attendance within this limit, the district may use as a guide 4 per cent of the total district enrollment at the applicable educational level as it exists at the end of the first school month of the current school year.)

Elementary level consists of kindergarten and grades 1-6 or kindergarten and grades 1-8; high school level consists of grades 7-9, 10-12, 9-12, or 7-12; and junior college level consists of grades 13-14.

History: 1. New section filed 7-21-59; effective thirtieth day thereafter (Register 59, No. 12).
2. Amendment filed 3-25-64; designated effective 9-1-64 (Register 64, No. 7).
3. Repealer of Section 194.4, renumbering of Section 194.5 and amendment filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3). For history of former Section 194.4, see Register 64, No. 7.

Article 20.2. Special Day Classes for Pregnant Minors

195. Eligibility. Any minor pupil diagnosed by a licensed physician and surgeon as pregnant is eligible under Section 191.3(i)(1) for assignment to a special day class for minors with the same physical condition. (This article does not preclude the provision of individual instruction to a pregnant minor.)

NOTE: Authority cited for Article 20.2: Sections 6804, 18060, 18101.5 and 18103, Education Code.

History: 1. New Article 20.2 (Sections 195, 195.1 through 195.6) filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

195.1. Admission. The responsibility for the assignment of an eligible pupil to such a special day class rests with the district superintendent of schools (or county superintendent with respect to pupils in schools that he conducts) or person authorized by him. He shall assign the pupil to such a class only after the principal (or his authorized representative) of the school attended by the pupil has:

(a) Received a diagnosis of a physician and surgeon that the pupil is pregnant.

(b) Referred the pupil to the district superintendent (or county superintendent when applicable) for such assignment.

(c) Notified the parent or guardian of the intended referral, unless the parent or guardian cannot be located within a reasonable time and with reasonable effort.

195.2. Discharge. Discharge from the special day class depends upon the delivery date or upon the recommendation of a licensed physician and surgeon. Re-enrollment after delivery shall not extend beyond the end of the school semester during which the delivery occurred, unless a licensed physician and surgeon recommends a longer period.

195.3. Class Size. The appropriate size (enrollment) for the class is 20 pupils. This number may be exceeded only on prior written approval of the Superintendent of Public Instruction.

195.4. Class Location. The class shall be located in suitable facilities separated from the regular day classes.

195.5. Curriculum. The program of study for a pupil in the class shall conform as nearly as possible to that in which she was enrolled prior to her assignment to the class. The program of study shall be supplemented by counseling and guidance, and instruction in the areas of prenatal care, postnatal care, and infant management.

195.6. Transportation. Transportation provided pursuant to Education Code Section 18060 to a pregnant minor "handicapped in mobility" is limited to the period, between the fifth month of pregnancy and delivery, unless the distance exceeds two miles or unless a licensed physician and surgeon finds that walking would be inimical to the health of the expectant mother or developing child.

195.7. Eligibility. A minor is eligible for enrollment in a teleclass for orthopedic and other health impaired minors under the following two circumstances:

(a) A physician and surgeon licensed to practice in California has filed with the school district:

> (1) His diagnosis that the minor is orthopedic or health impaired to the extent that the minor is physically unable to attend regular school or a Special Day Class Type (a)(1) or (a)(2).
>
> (2) His declaration that the minor is physically able to participate in a teleclass.

(b) A person described in Section 195.8 has filed with the district his finding that participation by the minor in a teleclass is feasible and would serve to promote the educational progress of the minor.

NOTE: Authority cited: Section 152, 18101.5 and 18102, Education Code.

History: 1. New Article 20.3 (§§ 195.7 through 195.13) filed 12-20-68; effective thirtieth day thereafter (Register 68, No. 48).

195.8. Placement. The responsibility for the assignment of an eligible pupil to a teleclass rests with the district superintendent of schools, or the county superintendent of schools or a member of his staff designated by him.

195.9. Retention, Transfer, Discharge. Retention, transfer, or discharge of a minor from a teleclass shall be made by a person described in Section 195.8.

195.10. Annual Evaluation. An annual individual evaluation shall be made of the educational adjustment, academic progress, and physical handicap of each physically handicapped minor enrolled in a teleclass and reported to a person described in Section 195.8.

195.11. Day of Attendance. Attendance of physically handicapped pupils in a graded teleclass for the same number of minutes as constitute a day of attendance in the same grade for regular classes shall constitute the day of attendance.

195.12. Personal Contact With Pupil. The teleclass teacher shall visit a newly enrolled pupil in his home or hospital before he participates in the class. After the initial visit, the teleclass teacher or his representative shall visit the pupil in his home for a minimum of one-half hour every ten days at the lower elementary level and a minimum of one-half hour every fifteen days at the upper elementary and secondary level, with additional visits being made as necessary.

195.13. Credential. The teacher (and teacher representative if the latter visits pupils as described in Section 195.12) shall hold a valid credential authorizing the teaching of exceptional children in the area [illegible] orthopedically handicapped including the cerebral palsied.

196. Experimental Programs. The Superintendent of Public Instruction may waive compliance with the provisions for the pupil-teacher ratio as contained in this article for experimental programs or projects under the following conditions:

(a) The Superintendent of Public Instruction determines that the proposed program has regional or statewide significance.

(b) The proposal has been submitted to the Superintendent of Public Instruction for review at least 180 days prior to the date of initiation. (For the 1968–69 school year the number of days may be 45.)

(c) The proposal provides for comprehensive evaluation procedures.

(d) The proposal provides for a final report of the program or project to be submitted.

(e) The waiver is requested for three years or less.

NOTE: Authority cited: Sections 152, 6906, 18101.5, Education Code. Reference: Sections 6906 and 6754, Education Code.

History: 1. New section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7). For history of former section see Register 65, No. 12.
2. Amendment of subsection (b) filed 5-15-68 as an emergency; effective upon filing (Register 68, No. 19).
3. Certificate of Compliance—Section 11422.1, Gov. Code, filed 7-19-68 (Register 68, No. 27).

197. Eligibility of Pupils. The eligibility of a minor for admission to a special training school or class for mentally retarded minors coming within the provisions of Education Code Section 6903 shall be determined as provided in Sections 6908 and 6909 of the Education Code. The following criteria shall serve as minimum eligibility requirements:

(a) **General.** A child must not come within the provisions of Education Code Section 6902.

(b) **Physical Condition.** A child must:

(1) Be ambulatory to the extent and in such physical condition that no undue risk to himself or hazard to others is involved in his daily work and play activities;

(2) Be trained in toilet habits so that he has control over his body functions to the extent that it is feasible to keep him in school.

(c) **Mental, Emotional, and Social Development.** A child must:

(1) Be able to communicate to the extent that he can make his wants known and to understand simple directions;

(2) Be developed socially to the extent that his behavior does not endanger himself and the physical well being of other members of the group;

(3) Be emotionally stable to the extent that group stimulation will not intensify his problems unduly, that he can react to learning situations, and that his presence is not inimical to the welfare of other children.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12).
3. Amendment filed 3-6-61 as an emergency; effective upon filing (Register 61, No. 5).
4. Amendment filed 5-23-61 as an emergency; effective upon filing. Certificate of Compliance included (Register 61, No. 10).
5. Amendment filed 7-14-65; effective thirtieth day thereafter (Register 65, No. 12).
6. Amendment filed 11-17-65; effective thirtieth day thereafter (Register 65, No. 22).

198. **Admission.** The responsibility for the assignment of a minor to a special school or class maintained by a school district shall rest with the administrative head of the school district or an employee of the district designated by him. The assignment of a minor to or continuation in a special class shall be made upon the recommendation of an admissions committee, composed of the school psychologist, the school physician and/or nurse, the minor's teacher, and any other professional person designated by the person responsible for making such assignment. The assignment of minors may be conditional, subject to review by the admissions committee. In cases where doubt exists, a child should be given a trial placement.

199. **Size of Class.** The appropriate class size and the maximum enrollment for any such class is 12 pupils. This limit may be exceeded only as an emergency measure upon the prior approval of the Superintendent of Public Instruction in those instances in which a class has a full-time teacher and matron or assistant and the limit of 12 pupils would act to deny an individual child appropriate schooling. Such special approval shall not be given for longer than the time remaining in the current school year.

NOTE: Authority cited: Sections 6906 and 18101.5, Education Code.

History: 1. Amendment filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

199.1. **Instruction.** Methods of instruction and training used in each such school or class shall be designed to educate and train severely mentally retarded children to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment. Such methods shall be approved by the administrative head of the school district or the county superintendent of schools maintaining the school or class.

199.2. Grade Placement. Pupils in such schools and classes shall be grouped on a basis of social competence rather than by grade level.

199.3. Supervision. Adequate supervision shall be provided for all such schools and classes. The superintendent, the building principal, special supervisors and classroom teachers should work cooperatively to establish a helpful plan of supervision.

199.4. Case Studies. Individual case study records shall be kept of all pupils placed in such schools or classes.

199.5. Length of School Day. For apportionment purposes, 180 minutes, inclusive of recesses, shall constitute a minimum school day. No child shall be credited with more than one day of attendance in any one calendar day.

199.6. Application. Whenever the governing board of a school district establishes (1) special training schools or classes for mentally retarded minors coming within the provisions of Education Code Section 6903 or (2) special schools, classes or integrated programs where a qualified special teacher is provided for the education of physically handicapped minors coming within the provisions of Education Code Sections 6801 and 6802, and desires an advance apportionment pursuant to Chapter 9 of Division 6 of the Education Code, the board may apply in writing, prior to September 1 of the school year in which the instruction is or will be started, to the Superintendent of Public Instruction in the form and manner prescribed in this section.

The original and one copy of the application shall be forwarded to the office of the county superintendent of schools. After his review and approval of the data presented therein, the county superintendent shall forward the original application to the State Department of Education, Bureau of School Apportionments and Reports. The application shall be worded as follows:

To: Superintendent of Public Instruction
State Department of Education

SUBJECT: Application for an
Advance Apportionment

The governing board of the __________________________ of ________________,
(Name of school district) (Name of county)

California, hereby requests that the Superintendent of Public Instruction make an advance apportionment for the education of mentally retarded minors coming within the provisions of Education Code Section 6903 (formerly 9801.2) and/or physically handicapped minors coming within the provisions of Education Code Sections 6801 and 6802 (formerly 9601 and 9602) based upon the following information:

	Mentally retarded (E. C. 6903)	Physically handicapped (E. C. 6801, 6802)
1. Number of minors who will be attending such schools and classes		
residing in applicant school district	__________	__________
residing in adjacent school district	__________	__________
2. Estimated a.d.a. for school year__________	__________	__________

3. Identification of each special training school or class and date of establishment

____ ____________
(Name) (Date)

____ ____________
(Name) (Date)

4. Identification of each special school, class or integrated program for physically handicapped minors

____ ____________
(Name or type) (Date)

(Name or type) (Date)

It is hereby certified that the information contained in this application is true and correct and that the educational programs as identified have been established in accordance with provisions of the Education Code and Title 5 of the California Administrative Code relating to such programs.

(Month) (Day) (Year) (Name)

(Title)

This application has been examined by me and I recommend approval.

(Month) (Day) (Year) County Superintendent of Schools

NOTE: Authority cited: Section 6915 (formerly 9822), Education Code. Issuing agency: Superintendent of Public Instruction.

History: 1. New section filed 10-23-57; effective thirtieth day thereafter (Register 57, No. 18).
2. Repealer of Section 199.6 and new Article 21.1 (Section 199.6) filed 7-24-59 as an emergency; effective upon filing (Register 59, No. 12).
3. Certificate of Compliance—Section 11422.1 Gov. Code, filed 9-24-59 (Register 59, No. 16).
4. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
5. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60(Register 60, No. 12).

199.10. General Provisions. (a) This article applies only to special educational programs for mentally gifted minors described in, and for which reimbursement for excess costs are claimed under, Article 14 (commencing with Section 6421) of Chapter 6 of Division 6 of the Education Code.

(b) The terms used herein have the same meaning as in that article.

NOTE: Authority cited for Article 23 (Sections 199.10 through 199.13): Sections 152 and 6432, Education Code.

History: 1. New Article 23 (Sections 199.10 through 199.13) filed 11-15-61; effective 30th day thereafter (Register 61, No. 23).

199.11. Identification of Mentally Gifted Minors. The responsibility for the identification of a pupil as a mentally gifted minor for whom apportionments may be paid under the provisions of Education Code Section 6426 (hereinafter called "mentally gifted minor") shall rest with the administrative head of the school district or an employee of the district designated by him. The identification shall be based upon a study made by a committee of all available evidence as to a pupil's general intellectual and scholastic capacity. The committee shall consist of the school principal, a classroom teacher familiar with the school work of the pupil, a qualified school psychologist, and any other person or persons designated by the district employee responsible for making the identification.

Among the items of evidence studied by the committee shall be evidence described in either (a), (b), or (c):

(a) A score at or above the 98th percentile on a full scale individual intelligence test, such as the *Revised Stanford-Binet Scale, Form L-M* or other test approved by the Superintendent of Public Instruction, administered to the pupil by a person credentialed for this purpose by the State Board of Education. If that person is a psychometrist, he shall serve under the direct supervision of a person holding a credential authorizing service as a school psychologist. The norm to be used for the score is the norm for children of the same age as the pupil tested.

(b) For a pupil in grades seven through twelve, a score at or above the 98th percentile in each of two tests chosen from a list of tests approved for the purpose by the State Board of Education and administered by a properly credentialed person to the pupil while he was enrolled in grade 7 or above and within 24 months of the date of identification. The two required tests are:

(1) A standardized full-scale group test of mental ability.

(2) A standardized test of one of the following:

(A) Reading achievement
(B) Arithmetic achievement
(C) Science achievement
(D) Social science achievement

(c) The judgments of teachers, psychologists, and administrators and supervisors who are familiar with the demonstrated ability or potential of the minors. In any given district not more than five (5) per cent of the pupils identified as mentally gifted minors shall be identified on such judgments alone.

History: 1. Repealer and new section filed 10-18-67 as an emergency; effective upon filing (Register 67, No. 42)
2. Repealer and new section filed 12-21-67 as an emeregncy; effective upon filing, Certificate of Compliance included (Register 67, No. 51).

199.12. Minimum Standards for Programs for Mentally Gifted Minors. Programs provided for mentally gifted minors shall meet the following standards:

(a) A pupil placed in the program shall be identified in accordance with the provisions of Section 199.11, and shall be assigned to a program suited to his abilities and needs as determined by the committee described in Section 199.11.

(b) Individual case study records shall be maintained for all pupils placed in the program.

(c) Consent of a parent, guardian, or other person having actual custody and control of said minor shall be a prerequisite to participation in the program.

(d) A written plan for the program shall be available for public inspection on the same basis as is the district course of study. The written plan shall describe:

(1) The purposes of the program including the general goals which pupils are expected to achieve.

(2) The special activities to be carried on as a part of the program.

(3) The special facilities and special materials to be used in connection with the program.

(4) The methods to be used in evaluating the success of the program.

(e) Programs shall be one or more of the following types:

(1) Programs in which pupils remain in their regular classrooms but participate in additional educational activities planned to suit their special abilities and interests, use advanced materials, and/or receive special help, directly or indirectly, through persons other than the regular classroom teacher.

(2) Programs in which pupils are provided with instruction by the school of attendance either through correspondence courses specified in Education Code Section 8301 and Section 101 of this title or by special tutoring.

(3) Programs in which pupils are placed in grades or classes more advanced than those of their chronological age group and receive special instruction outside of the regular classroom in order to assist them in handling the advanced work.

(4) Programs in which high school pupils for a part of the day attend classes conducted by a college or junior college.

(5) Programs in which pupils participate regularly on a planned basis in a special counseling or instructional activity carried on during or outside of the regular school day for the purpose of benefiting from additional educational opportunities not provided in the regular classroom.

(6) Programs in which special classes are organized to provide advanced or enriched work for pupils with superior mental ability during the regular school year or during a summer session. Such special classes may be in single subjects or may include more than one subject. They may be scheduled for a part or all of a school day.

(f) A program shall be maintained on a regular basis for at least 17 weeks of a semester or for at least 34 weeks of an annual school term. In a school which is not organized on the semester basis, one-half of the days the regular day schools are maintained shall be deemed the equivalent of a semester.

(g) A program provided as a part of an approved summer school meeting the time requirements set forth in Section 117 and which program is conducted for a minimum of 55 minutes for each day on which the summer school is maintained, shall be deemed to be the equivalent of a program conducted for a semester. A pupil participating in such a program in an approved summer school for a total of 20 days during a fiscal year may be counted as a participating pupil. The Fourth of July may be counted as one of such days even though the school is not maintained on that day.

Note: Additional authority cited: Article 14, Chapter 6, Division 6, Education Code.

History: 1. Amendment filed 5-21-62 as an emergency; effective upon filing (Register 62, No. 10).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 9-17-62 (Register 62, No. 19).

199.13. Approval of Programs. (a) Programs for mentally gifted minors must be approved by the State Superintendent of Public Instruction. For any of the six types of programs specified in subsection (e) of Section 199.12, such approval will be given when the application for an apportionment under Education Code Section 6426 includes a certification by the chief administrative officer of the district that the program has been conducted in accordance with the provisions of Article 14, Chapter 6, Division 6, of the Education Code and that it has met the standards set forth in Section 199.12 above.

(b) When a school district desires to provide a program for mentally gifted minors which does not fall into one of the types listed in subsection (e) of Section 199.12, an application for approval of the program shall be filed with the State Superintendent of Public Instruction at least 90 days prior to the opening date of the semester or the summer session during which the program will be given. The application shall include the information listed in (d) of Section 199.12 above.

199.14. Excess Expense—Definition.

Note: Authority cited: Section 6433, Education Code. Reference: Sections 6426 and 6427, Education Code.

History: 1. New section filed 2-1-62 as an emergency, effective upon filing. Certificate of Compliance—Section 11422.1, Government Code, included (Register 62, No. 2).
2. Amendment filed 12-16-64; effective thirtieth day thereafter (Register 64, No. 25).
3. Repealer filed 2-16-68; effective thirtieth day thereafter (Register 68, No. 7).

199.20. Routing of Letter of Application. Application by the governing board of a school district for an advance apportionment, pursuant to Education Code Section 6428, for the purpose of defraying expenses incident to the initiation of a program for the education of mentally gifted minors, including the identification of minors eligible to participate in the program, shall be made to the Superintendent of Public Instruction through the county superintendent of schools as follows:

(a) The governing board shall deliver or mail to the county superintendent of schools one copy of the letter of application.

(b) The county superintendent shall review the application for completeness and accuracy of the data presented therein, and, if he approves the application, he shall indicate his approval on both the original and the copy of the letter of application. He shall, before August 15 of the fiscal year in which the program is or will be initiated, forward the original of the letter of application, so approved, to the State Department of Education, Bureau of School Apportionments and Reports.

NOTE: Authority cited for Article 24: Section 6433(b), Education Code. Reference: Section 6428, Ed. Code. Issuing agency: Superintendent of Public Instruction.

History: 1. New article (Secs. 199.20 and 199.21) filed 8-9-61 as an emergency; effective upon filing (Register 61, No. 16).
2. Certificate of Compliance—Gov. Code Section 11422.1, filed 9-26-61 (Register 61, No. 19).

199.21. Contents of the Letter of Application. The letter of application shall clearly state:

(a) That it is a request for an advance apportionment under the provisions of Education Code Section 6428.

(b) The amount of the advance apportionment requested.

(c) The estimated number of pupils that will be participating in the program for the mentally gifted during the year, identifying the number expected to participate for a semester only and the number expected to participate for the full year.

(d) The purposes for which the advance apportionment will be expended and the amount for each purpose.

(e) That the district will expend the money only for the purposes stated in Section 6428, i.e., "defraying expenses incident to the initiation of a program, including the identification of minors eligible to participate in the program."

A copy of the resolution of the governing board of the district authorizing application for an advance apportionment shall be attached to or made a part of the letter of application.

220. General Provisions. This article applies only to special education programs for educationally handicapped minors between the ages of 4 years 9 months and 18 years for which an apportionment is claimed under Chapter 7.1 of Division 6 of the Education Code.

NOTE: Authority cited for Article 27: Sections 6756 and 6757, Education Code.

History: 1. New Article 27 (Sections 220 through 230) filed 12-18-63; effective thirtieth day thereafter (Register 63, No. 25).
2. Amendment filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

221. Definitions. For the purpose of this article:

(a) An educationally handicapped minor eligible for admission to a program is a minor described in Education Code Section 6750 whose learning problems are associated with a behavioral disorder or a neurological handicap or a combination thereof, and who exhibits a significant discrepancy between ability and achievement.

(b) A "program" is one or all of the special education programs for educationally handicapped minors described in Education Code Section 6751.

(c) A "special day class" for educationally handicapped minors (Education Code Section 18101.5(a)) is a "special class" described in Education Code Section 6751(a) and is an instructional program for minors determined to be eligible under Education Code Section 6751(a) that has all of the following characteristics:

(1) It has a total enrollment within the limits prescribed in Section 227(a).

(2) It is a program of specialized instruction which the learning characteristics of the minors make necessary for no less than the minimum school day.

(3) It is taught by a teacher whose sole responsibility for the program day is to perform services in connection with the educational program of all pupils enrolled in the special day class. This responsibility shall include coordination of all educational activities of the pupils which are assigned to the teacher.

(d) The "program day" is the length of time regular day classes of the school or school district are conducted for pupils of similar grade level and/or chronological age.

(e) "Discharge" means exclusion from school by resolution of the governing board of a school district or by the county superintendent.

(f) "Transfer" means enrolling the child in any one of the following:

(1) A different type of program authorized by Education Code Section 6751.

(2) A regular day class.

(3) Another special program authorized by law.

Note: Authority cited: Sections 6757 and 18101.5, Education Code.

History: 1. Amendment filed 2-16-68; designated effective 7-1-67 (Register 68, No. 7).

222. Testing or Screening for Educationally Handicapped Minors. In the event a school system elects to test or screen through the use of tests administered directly to all pupils of a grade, school, or district pursuant to Education Code Section 6758, application shall be made for prior approval of the State Board of Education for the tests or screening procedures to be used.

223. Standards for Identification of Educationally Handicapped Minors. Individual identification of a minor as an educationally handicapped minor shall be established by a written report, including an assessment and evaluation of the minor's educational handicaps, from each of the following:

(a) A certificated employee of the school district or county superintendent of schools.

(b) A credentialed school psychologist, or a certified psychologist with clinical training and with experience in working with children. Tests administered or techniques employed by psychologists in making such identification shall be those generally recognized within the profession. Other tests and techniques may be used by psychologists only with the prior approval of the State Board of Education.

(c) One or more licensed physicians with experience in working with children and representing such fields as, but not limited to, pediatrics, neurology, and psychiatry, as the problems of the minor may make necessary.

History: 1. Amendment filed 5-17-67; effective thirtieth day thereafter (Register 67, No. 20).

224. The Admissions Committee. The administrative head of the school district or the county superintendent of schools shall designate members of an admissions committee, which shall include, but not be limited to, the persons specified in Education Code Section 6755(b). One consideration in appointing members to the committee shall be the greatest possible continuity of committee membership.

225. Standards for Evaluation and Admission. (a) The admissions committee shall make an individual evaluation of a minor referred to it by making a thorough study of the reports described in Section 223, together with all other pertinent and reliable information available. The chairman of the committee shall cause to be made a written report to the administrative head of the school district or the county superintendent of schools, as appropriate. The report shall include all of the following:

(1) The committee's findings regarding the type and extent of educational and learning needs and the ability of the minor to profit from participation in one of the programs described in Education Code Section 6751 for the educationally handicapped.

(2) The committee's decision regarding eligibility and a positive or negative recommendation with respect to admission of the minor to the most appropriate one of such programs.

(3) The names of the members present at the meeting of the committee at which a recommendation was made.

(b) There shall be present in the meeting at which the recommendation is made all of the following:

(1) One member licensed as a physician and surgeon.

(2) One member who is a credentialed psychologist, or who is a certified psychologist with clinical training which includes working with children and who has had professional experience in working with children.

(3) One member who is a certificated administrator or a supervisor.

(c) The committee may withhold a recommendation on any minor for whom it determines that it does not have sufficient information to reach a conclusion regarding admission to a program, in which case the committee shall so report in writing to the administrative head of the school district or the county superintendent of schools, as appropriate.

History: 1. Amendment filed 5-17-67; effective thirtieth day thereafter (Register 67, No. 20).

226. Re-evaluation, Periodic Examination, Transfer, and Discharge. (a) The administrative head of a school district or the county superintendent may at any time, or from time to time, re-refer a minor enrolled in a program to the admissions committee for re-evaluation and recommendation for one of the following:

(1) Retention in the program.

(2) Transfer.

(3) Discharge.

(b) An annual examination shall be made of the school adjustment and academic progress of each minor enrolled in a program, and a summary report thereof shall be made to the admissions committee. The administrative head of the school district or the county superintendent of schools shall specify the personnel and methods to be used in such examination. A pupil failing to make an appropriate school adjustment or satisfactory academic progress may be referred by the administrative head of the school district or the county superintendent of schools to the appropriate public or private resource for further study, or may be re-referred by the administrative head of the school district or county superintendent of schools to the admissions committee for re-evaluation and further recommendations regarding transfer or discharge.

227. Enrollment Limits. (a) The appropriate class size and maximum enrollment for any special day class described in Education Code Section 6751(a) is as follows:

(1) Kindergarten, grades one and two,—8 pupils,
(2) Grades three through six—10 pupils,
(3) Grades seven through twelve—12 pupils.

(b) The maximum enrollment for any learning disability group described in Education Code Section 6751(b) shall be as follows:

(1) For a given learning disability group—8 pupils.
(2) For a full-time teacher of learning disability groups —no more than 32 such pupils during any time.
(3) For a part-time teacher of learning disability groups —no more than the number representing the same proportion of 32 that the ratio of the number of minutes taught in learning disability groups bears to the length of the regular school day for the grade levels taught.

(c) Deviations from the above maximums may be made only on prior written approval of the Superintendent of Public Instruction.

NOTE: Authority cited: Sections 6757 and 18101.5, Education Code. Reference: Section 6751(b), Education Code.

History: 1. Amendment filed 1-19-66; effective thirtieth day thereafter (Register 66, No. 2).
2. Repealer and new section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).

228. Curriculum Content. The curriculum content of a program shall embrace the course of study as prescribed in Education Code, Division 7, Chapter 2, Articles 1 through 5, inclusive. Emphasis shall be placed upon the fundamental school subjects, including reading, writing, arithmetic, spelling, English, history, and geography. Adaptation in such prescribed courses may be made, as the learning characteristics of the minors in the program make necessary.

229. Teacher Qualification. Any teacher may be assigned to give the instruction specified in paragraphs (a), (b), or (d) of Education Code Section 6751 who possesses a valid regular teaching credential, or standard teaching credential, appropriate to the grade level of the pupils taught, and who in the judgment of the chief administrative officer of the district or the county superintendent of schools possesses preparation, experience, and personal attributes deemed desirable for a teacher of educationally handicapped minors.

230. Specialized Consultation. The specialized consultation authorized by Education Code Section 6751(c) shall relate to the specialized instruction and counseling and guidance of educationally handicapped minors and be given by specialists from such fields as education, social work, psychology, medicine, and psychiatry. Specialists offering such consultation shall be persons other than those regularly employed by the district or county superintendent of schools administering the programs for which special consultation is provided.

23[illegible] Notice of Intention to Initiate a Program and for Prior Approval. (a) The notice of intention required by Education Code Section 6754 to initiate a program and the request for the prior approval of the State Department of Education required by Education Code Section 6762 shall be submitted to the Superintendent of Public Instruction, Bureau of Special Education, State Department of Education, Sacramento, California, at least 60 days prior to the date the program is to begin. The notice and request for prior approval shall be on a form furnished by the State Department of Education.

(b) If a district or county superintendent of schools maintaining an approved program that includes some, but not all, of the types listed in Education Code Section 6741, proposes to add another of such listed types, such addition shall be deemed to be initiation of a program, and the notice of intention to initiate the additional type of program and request for prior approval thereof shall be made in accordance with these regulations.

NOTE: Authority cited: Section 6761; Reference: Chapter 7.1, Division 6, Education Code.

History: 1. New section filed 12-10-63 as an emergency; effective upon filing (Register 63, No. 25).
2. Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 1-22-64 (Register 64, No. 2).

232. Application for Reimbursement.

NOTE: Authority cited: Section 6761; Reference: Chapter 7.1, Division 6, Education Code.

History: 1. New section filed 12-10-63 as an emergency; effective upon filing (Register 63, No. 25).
2. Certificate of Compliance—Sec. 11422.1, Gov. Code, filed 1-22-64 (Register 64, No. 2).
3. Repealer filed 2-16-68; effective thirtieth day thereafter (Register 68, No. 7).

233. Experimental Programs. The Superintendent of Public Instruction may waive compliance with the provisions of attendance accounting as contained in Article 2 of Subchapter 1 of Chapter 1 and with the provisions of enrollment limitation as contained in Section 227 for experimental programs or projects under the following conditions:

(a) The Superintendent of Public Instruction determines that the proposed program has regional or statewide significance.

(b) The proposal was submitted to the Superintendent of Public Instruction for review at least 180 days prior to the date proposed for commencement of the program. (For the 1968–69 school year the number of days may be 45.)

(c) The proposal provides for comprehensive evaluation procedures.

(d) The proposal requires the applicant to submit to the Superintendent of Public Instruction a final report of the program or project.

(e) The waiver is requested for three years or less.

NOTE: Authority cited: Sections 6757 and 18101.5, Education Code. Reference: Sections 6906 and 6754, Education Code.

History: 1. New section filed 2-16-68; designated effective 7-1-68 (Register 68, No. 7).
2. Amendment of subsection (b) filed 5-15-68 as an emergency; effective upon filing (Register 68, No. 19).
3. Certificate of Compliance—Section 11422.1, Gov. Code, filed 7-19-68 (Register 68, No. 27).

1096. Animals. No animals shall be transported in a school bus except guide dogs, fitted with muzzles, trained in schools licensed or approved by the California State Board of Guide Dogs for the Blind, and accompanied by blind pupils enrolled in a public high school or junior college or by persons employed by those licensed or approved schools to train such dogs.

History: 1. Amendment filed 1-22-65 as an emergency; effective upon filing (Register 65, No. 2).
2. Amendment filed 3-19-65 as an emergency; effective upon filing (Register 65, No. 5). Certificate of Compliance—Section 11422.1, Government Code, included.

1261. Expense of Transporting Exceptional Children. Each school district shall maintain records of all expenses for the transportation of physically handicapped pupils and mentally retarded minors.

1267. Record of Miles Traveled. Each school district shall maintain records of the miles traveled by each bus operated in transporting pupils between home and school and the miles traveled by each bus in providing transportation for pupils other than between home and school.

History: 1. Amendment filed 7-26-68; effective thirtieth day thereafter (Register 68, No. 28).

1290.1. Expense for Physically Handicapped and Mentally Retarded Pupils Coming Within Education Code Section 6903. The expense and related data for vehicles, and the vehicles themselves, shall not be reported on the "Annual Report of Transportation Expense" (Form No. J-141) if the vehicles are used exclusively for any or all of the following purposes:

(a) Transporting to special day classes the blind, deaf, aphasic, cerebral palsied, orthopedically handicapped, and other physically handicapped minors handicapped in mobility.

(b) Transporting to integrated programs of instruction as defined in Education Code Section 18060.2, the blind and the deaf.

(c) Transporting to special training schools and classes mentally retarded pupils who come within Education Code Section 6903.

History: 1. New section filed 5-20-59; effective thirtieth day thereafter (Register 59, No. 8).
2. Repealer and new section filed 7-26-68; effective thirtieth day thereafter (Register 68, No. 28).

1320. Definitions. The definitions contained in Section 191.3 for deaf, severely hard of hearing, blind, partially seeing, aphasic, and orthopedic or other health impaired minor and pupil handicapped in mobility apply with respect to allowances for transportation required by Education Code Sections 18060, 18060.2, and 18062.

NOTE: Authority cited: Sections 6804, 18060, 18101.5 and 18103, Education Code.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12).
3. Amendment filed 11-21-62; effective thirtieth day thereafter (Register 62, No. 24).
4. Repealer and new section filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

1321. Evidence of Disability. With respect to the physically handicapped enumerated in Section 1320 reported as transported to and from special day classes, the governing board of each school district and the county superintendent of schools of each county shall furnish such evidence of the existence of such physical disabilities of such pupils as the Superintendent of Public Instruction shall require.

History: 1. Amendment filed 11-21-62; effective thirtieth day thereafter (Register 62, No. 24).
2. Amendment filed 1-17-68; designated effective 7-1-68 (Register 68, No. 3).

1472. Emergency Schools and Special Classes. The direct operation of education programs, which may be financed in part by allowances from the county school service fund, are limited to the following:

(a) Emergency elementary schools for normal pupils, as authorized by subdivision (a) of Section 9001 of the Education Code.

(b) Emergency elementary schools for physically handicapped minors in regular day classes, remedial classes, or in special day classes, as authorized by subdivision (a) of Section 8903 of the Education Code.

(c) Special classes for the physically handicapped of secondary level, as authorized by subdivision (c) of Section 8903 of the Education Code.

(d) Individual instruction for the physically handicapped at the elementary or the secondary level, either in the home or in institutions, as authorized by subdivision (d) of Section 8903 of the Education Code.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12.)

1473. Allowances for Emergency Schools and Special Classes. The proposed expenditures by county superintendents of schools for purposes enumerated in Section 1472 shall be submitted on the annual budget forms as prescribed by the Superintendent of Public Instruction. Such expenditures as are properly justified will be approved as a part of the county school service fund budget. Allowances of service funds to the counties, when expenditures exceed the regular state allowances and other available funds, will be made only on a reimbursement basis following actual expenditure. Claims for reimbursement shall be presented on forms prescribed by the Superintendent of Public Instruction.

1474. Emergency Financial Aid to School Districts. Financial aid may be granted to school districts, other than by the direct operation of education programs, as follows:

(a) Employment of teachers for assignment to school districts for the instruction of normal pupils, as authorized by subdivision (b) of Section 9001 of the Education Code; or for the instruction of physically handicapped minors, as authorized by subdivision (b) of Section 8903 of the Education Code.

(b) Payment of transportation costs for normal pupils attending elementary schools, as authorized by subdivision (c) of Section 9001 of the Education Code.

(c) Payment under contract with another county superintendent or with the governing board of any school district for providing education to physically handicapped minors, as authorized by subdivision (f) of Section 8903 of the Education Code.

(d) Apportionment to districts for current expense, as authorized by subdivision (a) of Section 20105 of the Education Code.

(e) Apportionment to districts for transportation of pupils to and from school to meet temporary emergency conditions, as authorized by subdivision (b) of Section 20105 of the Education Code.

(f) Tuition to high school districts for the education of pupils residing on military reservations, as authorized by Sections 5658-5663 of the Education Code.

(g) Apportionment to districts with resident cerebral palsied minors who attend special schools or classes in other districts if such districts of residence are financially unable to pay the tuition charges of the districts of attendance, as authorized by Section 6815 of the Education Code.

(h) Payment of transportation costs for physically handicapped minors attending special day classes, as defined by subdivision (b) of Section 18060 of the Education Code.

(i) Apportionment to any newly organized school district as authorized by Section 20106 of the Education Code.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12.)
3. Amendment filed 11-2-60; effective thirtieth day thereafter (Register 60, No. 22).

1520. Definition. For the purposes of Section 8503 of the Education Code, coordination of the educational program consists of the actions, efforts, and procedures of a county superintendent of schools, directed to one or more districts, to (1) enforce minimum educational standards; (2) improve the educational program; (3) promote order and reasonable uniformity in the educational program; (4) effect working relationships between school districts and other agencies serving youth whose functions are related to the programs of the public schools; and (5) promote effective and efficient operation of the programs of instruction and special services in the areas of courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration among the districts under his jurisdiction.

Note: Authority cited for Article 8: Section 8503 (formerly 9505), Education Code. Additional authority cited: Section 18351(i), Education Code.

***History:* 1. New Article 8 (§§ 1520, 1521 and 1522) filed 1-8-57; effective thirtieth day thereafter (Register 57, No. 1).**
2. Amendment filed 9-24-59; effective thirtieth day thereafter (Register 59, No. 16).

1560. Requirement of a Tax Levy. Whenever under Education Code Section 8901 a county superintendent of schools is required, or under Education Code Section 8902 is permitted to maintain, or to contract with a school district or another county superintendent of schools to provide, a program for the identification and education of minors living in the county and in a school district who are considered to be physically handicapped under the provisions of Education Code Sections 6801 and 6802 (hereinafter called physically handicapped minors), the board of supervisors shall levy an identical rate of tax upon the taxable property in each school district in which such minors live and which are designated as the responsible districts under Education Code Sections 6806.1.

Note: Authority cited: Section 8955.2, Education Code.

History: 1. New Article 11 (Sections 1560 through 1565) filed 12-17-65; effective thirtieth day thereafter (Register 65, No. 24).
2. Amendment filed 7-12-66 as an emergency; effective upon filing (Register 66, No. 22).
3. Certificate of Compliance—Section 11422.1, Government Code, filed 9-20-66 (Register 66, No. 32).

1561. Exemption From Tax. Property in the following school districts is exempt from taxation for the purposes of this article:

(a) Districts maintaining elementary schools having less than 8,000 average daily attendance in such schools and districts maintaining high schools having less than 8,000 average daily attendance in such schools for which the district, with the approval of the county superintendent of schools, establishes and maintains programs for all physically handicapped minors, or enters into a contract with another district to provide the education of all physically handicapped minors.

(b) Districts as described in subparagraph (a) of this section having 8,000 or more average daily attendance.

History: 1. Amendment filed 7-12-66 as an emergency; effective upon filing (Register 66, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 9-20-66 (Register 66, No. 32).

1562. Definitions. For the purposes of computing the tax as provided in this article, the following definitions apply:

(a) "Schools or classes" are those categories of instruction identified in the Education Code as: regular day classes, remedial classes in special physical education classes, other remedial classes, individual instruction, and special day classes.

(b) The "average daily attendance" is the estimated average daily attendance of pupils in the appropriate schools during the fiscal year taxes are levied and consistent with that used for computing the foundation program for apportionments from the State School Fund.

(c) The "total assessed valuation" of the districts is the sum of the assessed valuations of each district as adjusted in computing equalization aid allowances from the State School Fund.

(d) The "cost of the education" is the current expense of education as defined in the California School Accounting Manual, less any expenditures for the rental of property.

(e) "Capital outlay" includes expenditures for sites, improvement of sites, buildings, and equipment, as defined in the California School Accounting Manual.

History: 1. Amendment filed 7-12-66 as an emergency; effective upon filing (Register 66, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 9-20-66 (Register 66, No. 32).

1563. Certification of Amounts and Application of Separate Tax Rates.

History: 1. Repealer filed 7-12-66 as an emergency; effective upon filing (Register 66, No. 22).
2. Certificate of Compliance—Section 11422.1 Government Code, filed 9-20-66 (Register 66, No. 32).

1563.1. Determination of Amount. The total amount of money required to be raised by the tax pursuant to Section 1560 of this article shall be computed as follows:

Cost of the education (Section 1562(d))	$_________
minus, Rental of property	$_________
plus, Capital outlay (Section 1562(e))	$_________
plus, Rental of property	$_________
minus, Amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund	$_________
minus, Excess amount collected in the preceding year	$_________
plus, Deficiency in amount collected in the preceding year	$_________

History: 1. New section filed 7-12-66 as an emergency; effective upon filing (Register 66, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 9-20-66 (Register 66, No. 32).

1564. Restricted Account. The tax collected shall be deposited in the county school service fund, and the revenues and expenditures shall be accounted separately within such fund. If the collection is in excess of the expenses of educating the physically handicapped pupils, or if there is a deficiency, the excess or deficiency shall be applied to reduce or increase the amount, as the case may be, which would otherwise be required in succeeding fiscal years.

History: 1. Amendment filed 7-12-66 as an emergency; effective upon filing (Register 66, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 9-20-66 (Register 66, No. 32).

1565. Reduction of State Allowances. The allowances to the county school service fund computed by the Superintendent of Public Instruction on account of the average daily attendance of elementary and secondary physically handicapped minors under the provisions of Education Code Sections 18355 and 18358, respectively, shall be reduced by the amounts computed under the provisions of Education Code Section 8955.3.

History: 1. Amendment filed 7-12-66 as an emergency; effective upon filing (Register 66, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 9-20-66 (Register 66, No. 32).

2046. Building Area Required to Provide Adequate Facilities for Exceptional Children. Pursuant to Section 1801 of Title 2 of the California Administrative Code and Sections 19560, 19581, 19681, and 15302 of the Education Code, the Department of Education finds:

(a) The number of classrooms and the area set forth opposite the several sizes of classes in the following schedule are proper and adequate for the education of mentally retarded, partially-seeing, and hard-of-hearing pupils in special day classes:

Area and Size of Class for Mentally Retarded (E. C. 6902) Partially-Seeing, and Hard-of-Hearing Pupils

Number of classrooms allowed	Size of class		Maximum area		
	Minimum	Maximum	K-8	7-9	9-12
1	12	18	1,373 sq. ft.	1,635 sq. ft.	1,680 sq. ft.
2	24	36	2,745 sq. ft.	3,270 sq. ft.	3,360 sq. ft.
3	42	54	4,118 sq. ft.	4,905 sq. ft.	5,040 sq. ft.
4 or more	Classrooms × 18		Classrooms × 1,373	Classrooms × 1,635	Classrooms × 1,680

(b) The number of classrooms and the area set forth opposite the several sizes of classes in the following schedule are proper and adequate for the education of deaf or aphasic pupils over six years of age in special day classes:

Area and Size of Class for Deaf or Aphasic Pupils

Number of classrooms allowed	Size of class		Maximum area		
	Minimum	Maximum	K-8	7-9	9-12
1	6	10	1,235 sq. ft.	1,335 sq. ft.	1,360 sq. ft.
2	12	20	2,470 sq. ft.	2,670 sq. ft.	2,720 sq. ft.
3	21	30	3,705 sq. ft.	4,005 sq. ft.	4,080 sq. ft.
4 or more	Classrooms × 8		Classrooms × 1,235	Classrooms × 1,335	Classrooms × 1,360

(c) The number of classrooms and the area set forth opposite the several sizes of classes in the following schedule are proper and adequate for the education of blind pupils over six years of age in special day classes:

Area and Size of Class for Blind Pupils

Number of classrooms allowed	Size of class		Maximum area		
	Minimum	Maximum	K-8	7-9	9-12
1	8	12	1,290 sq. ft.	1,410 sq. ft.	1,440 sq. ft.
2	16	24	2,580 sq. ft.	2,820 sq. ft.	2,880 sq. ft.
3	27	36	3,870 sq. ft.	4,230 sq. ft.	4,320 sq. ft.
4 or more	Classrooms × 10		Classrooms × 1,290	Classrooms × 1,410	Classrooms × 1,440

(d) The number of classrooms and the area set forth opposite the several sizes of classes in the following schedule are proper and adequate for the education of severely mentally retarded pupils over six years of age in special day classes.

Area and Size of Class for Severely Mentally Retarded Pupils (E. C. 6903)

Number of classrooms allowed	Size of class		Maximum area		
	Minimum	Maximum	K-8	7-9	9-12
1	7	12	1,290 sq. ft.	----	----
2	14	24	2,580 sq. ft.	----	----
3	25	36	3,870 sq. ft.	----	----
4 or more	Classrooms × 10		Classrooms × 1,290	----	----

(e) The area required to provide adequate facilities for the education of orthopedically handicapped and cerebral palsied pupils in special day classes; blind, deaf, aphasic, and severely mentally retarded pupils six years of age or less; and physically handicapped and mentally retarded pupils in facilities separate from a regular school building, shall be determined by the Department of Education upon the specific requirements in each applicant district.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12.)
3. Amendment filed 10-8-63; effective thirtieth day thereofter (Register 63, No. 18).

6150. Issuance on Condition Upon Partial Fulfillment of Requirements. The credential, valid for two years, shall be granted on condition to an applicant who meets all of the following requirements:

(a) Submission of a written statement that the applicant proposes to complete specialized preparation (naming the area of specialization) and that he intends to complete all of the requirements for the credential.

(b) When the applicant proposes to complete specialized preparation in the area of exceptional children, both of the following:

(1) A baccalaureate or higher degree.

(2) The requirements of Section 6266 appropriate to the applicant's area of specialization.

(c) When the applicant proposes to complete specialized preparation to serve as a librarian, the requirements of either (1), (2), or (3):

(1) All of the following:

(A) A baccalaureate or higher degree.

(B) Designation of an academic major commonly taught in the public elementary schools.

(C) Ninety clock hours of the student teaching described in Section 6130(f)(2)(A) or appropriate teaching experience in lieu thereof.

(D) The requirements of Section 6251(a).

(2) A master's degree in library science described in Section 6250(c)(2).

(3) A baccalaureate or higher degree and the requirements of Section 6250(b).

(d) Submission of either a written statement made by an official of a school district that the applicant will be employed in that district to serve under the credential, if granted, or a comparable statement made by a county superintendent of schools.

NOTE: Authority cited: Section 152, Education Code. Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8). For prior history, see Register 66, No. 5.
2. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6151. Authorization for Service. **(a) When the applicant's specialized preparation is in the area of exceptional children, a credential issued under this article authorizes the holder to serve as a teacher of exceptional children in the area of his specialized preparation in special education.**

(b) When the applicant's specialized preparation is in the area of librarianship, a credential issued under this article authorizes the same service as a credential issued upon completion of requirements including service as a librarian and as a teacher of librarianship, except that for a holder who qualified under Section 6150(c)(2), or (3), authorization is limited to service as a librarian and as a teacher of librarianship.

NOTE: Authority cited: Section 152, Education Code. Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8).
2. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6152. Renewal. (a) A credential so issued shall be renewed as herein specified if the applicant has fulfilled the requirements of Education Code Section 13132 and during the term of the credential to be renewed (or during the summer session following if the application for renewal has been filed before the expiration date of the credential) has completed the following amounts of any remaining required course work:

(1) A first renewal, valid for a two-year period—six semester hours.

(2) A second renewal, valid for a two-year period—twelve additional semester hours of course work.

(3) A third renewal, valid to the June 30th following the close of seven years from the applicant's first employment under the credential initially issued—six additional semester hours of course work.

(b) In no event may there be a renewal of this credential after seven years from the applicant's first employment under the credential initially issued.

History: 1. Amendment filed 2-17-66; effective thirtieth day thereafter (Register 66, No. 5).
2. Amendment filed 6-15-67 as an emergency; effective upon filing (Register 67, No. 24).
3. Certificate of Compliance—Section 11422.1, Gov. Code, filed 9-21-67 (Register 67, No. 38).

6190. Issuance on Condition Upon Partial Fulfillment of Requirements. Before September 1, 1970, but not thereafter, the credential, valid for two years, shall be granted on condition to an applicant who meets all of the following requirements:

(a) Submission of a written statement that the applicant proposes to complete specialized preparation (naming the area of specialization) and that he intends to complete all of the requirements for the credential.

(b) When the applicant proposes to substitute specialized preparation in the area of exceptional children, both of the following:

(1) A baccalaureate or higher degree.

(2) The requirements of Section 6266 appropriate to the applicant's area of specialization.

(c) When the applicant proposes to complete specialized preparation to serve as a librarian, all of the requirements of either (1), (2), (3), or (4).

(1) All of the following:

(A) A baccalaureate or higher degree.

(B) Work completed toward an academic major commonly taught in the public high schools, to the extent specified in Section 6195 (c) (2) (D).

(C) The postgraduate semester hours required under Section 6195 (c) (2) (C) at the time of application.

(D) Sixty clock hours of the student teaching described in Section 6160 (f) (2) (A) or appropriate teaching experience in lieu thereof.

(E) The requirements of Section 6251 (a).

(2) All of the following:

(A) A baccalaureate or higher degree.

(B) The requirements of Section 6195 (c) (2) (C), Section 6195 (c) (2) (D) 1., and Section 6250.

(3) All of the following:

(A) A master's degree in library science as described in Section 6250 (c) (2) or in a nonacademic subject commonly taught in the public high schools.

(B) The requirements of Sections 6195 (c) (2) (D) 1., and 6251.

(4) All of the following:

(A) A master's degree in an academic subject commonly taught in the public schools.

(B) The requirements of Section 6251.

(d) Submission of either a written statement made by an official of a school district that the applicant will be employed in that district to serve under the credential, if granted, or a comparable statement made by a county superintendent of schools.

NOTE: Authority cited: Section 152, Education Code, Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. Amendment filed 2-17-66; effective thirtieth day thereafter (Register 66, No. 5).

2. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8).

3. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6191. Authorization for Service. (a) When the applicant's specialized preparation is in the area of exceptional children, a credential issued under this article authorizes the holder to serve as a teacher of exceptional children in the area of his specialized preparation in **special education.**

(b) When the applicant's specialized preparation is in the area of librarianship, a credential issued under this article authorizes the same service as a credential issued upon completion of requirements, including service as a librarian and as a teacher of librarianship, except that for a holder who qualified under Section 6190 (c) (2) or (c) (3), authorization is limited to service as a librarian and as a teacher of librarianship.

NOTE: Authority cited: Section 152, Education Code. Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8).

2. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6192. Renewal. A credential so issued shall be renewed for a two-year period provided the applicant has completed six semester hours of the remaining required course work. A second renewal for a final two-year period shall be granted provided the applicant has completed six additional semester hours of the remaining required course work.

6230. Issuance on Condition Upon Partial Fulfillment of Requirements. Before September 1, 1970, but not thereafter, the credential, valid for two years, shall be granted on condition to an applicant who meets all of the following requirements:

(a) Submission of a written statement that the applicant proposes to substitute specialized preparation for the minor (naming the area of specialization) and that he intends to complete all of the requirements for the credential.

(b) When the applicant proposes to complete specialized preparation in the area of exceptional children, both of the following:

(1) A baccalaureate or higher degree.

(2) The requirements of Section 6266 appropriate to the applicant's area of specialization.

(c) When the applicant proposes to complete specialized preparation to serve as a librarian, the requirements of either (1) or (2):

(1) A master's degree in library science.

(2) All of the following:

(A) A master's degree in an academic subject.

(B) Twelve semester hours of course work described in Section 6250 (b) (1).

(C) The requirements of Section 6250 (b) (2).

(d) Submission of either a written statement made by an official of a school district that the applicant will be employed in that district to serve under the credential, if granted, or a comparable statement made by a county superintendent of schools.

NOTE: Authority cited: Section 152, Education Code. Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8).

2. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6231. Authorization for Service. (a) When the applicant's specialized preparation is in the area of exceptional children, a credential issued under this article authorizes the holder to serve as a teacher of exceptional children in the area of his specialized preparation in special education.

(b) When the applicant's specialized preparation is in the area of librarianship, a credential issued under this article authorizes the same service as a credential issued upon completion of requirements including service as a librarian.

6232. Renewal. A credential so issued shall be renewed for a two-year period provided the applicant has completed six semester hours of the remaining required course work. A second renewal for a final two-year period shall be granted provided the applicant has completed six additional semester hours of the remaining required course work.

6260. General. Specialized preparation to serve as a teacher of exceptional children may be substituted for a minor only when the major is in an academic subject matter area. Specialized preparation to serve as a teacher of exceptional children in one of the areas specified in this article consists of the preparation herein specified for the respective area.

6261. Area of the Deaf and Severely Hard of Hearing—Preparation. Specialized preparation in the area of the deaf and severely hard of hearing shall consist of all of the requirements in (a) and (b).

(a) **Course Work.** Thirty semester hours of course work, including each of the following:

(1) Introduction to exceptional children.

(2) Principles of counseling exceptional children and their parents.

(3) Language and speech development and disorders.

(4) Anatomy, physiology, and pathology of the speech and hearing mechanism; physics of sound, principles of sound amplification, and audiology.

(5) Speech reading; auditory training; principles and methods of teaching communication skills to the deaf and hard of hearing, including language and speech; and elementary school subjects.

(6) Supervised observation and participation in the education of the deaf and hard of hearing.

(b) **Student Teaching.** Ninety clock hours of actual teaching in the classroom performed as part of a course in student teaching in the area of the deaf and severely hard of hearing or, in lieu thereof, one year of successful full-time teaching of such students in a public school or private school of equivalent status. This ninety clock hours of student teaching shall be accepted toward meeting the student teaching requirements of Sections 6130(f)(2)(A), 6160(f)(2)(A), and 6200(e)(3)(A), as appropriate.

(c) **Applicants Who Are Deaf.** In lieu of the course work listed in subparagraphs (1) through (5) of subsection (a), an applicant who is deaf may substitute preparation which the Department of Education deems appropriate.

(d) **Substitute for Other Requirements.** Substitution may be made as follows:

(1) Six of the semester hours required in (a) may be substituted for 6 of the semester hours specified in Section 6130(f)(2)(B).

(2) Four of the semester hours required in (a) may be substituted for 4 of the semester hours specified in Section 6160(f)(2)(B).

6262. Area of the Mentally Retarded—Preparation. Specialized preparation in the area of the mentally retarded shall consist of all of the requirements in (a) and (b).

(a) **Course Work.** Twenty-two semester hours of course work, including each of the following:

(1) Introduction to exceptional children.

(2) Principles of counseling exceptional children and their parents.

(3) Language and speech development and disorders.

(4) Organic and cultural basis of mental retardation, including social, psychological, and vocational problems.

(5) Development and learning characteristics of the mentally retarded; curriculum development, methods, and materials for teaching either the educable mentally retarded at the elementary and secondary levels or the severely mentally retarded.

(6) Sensory development and training of the severely mentally retarded and child growth and development of the mentally retarded, including techniques of working with parents.

(7) Supervised observation and participation with both the educable mentally retarded and the severely mentally retarded at different levels of education or training, or both education and training.

(b) **Student Teaching.** Ninety clock hours of actual teaching in the classroom performed as student teaching in the area of the mentally retarded or, in lieu thereof, one year of successful full-time teaching of such students in a public school or private school of equivalent status. This ninety clock hours of student teaching shall be accepted toward meeting the student teaching requirements of Sections 6130(f)(2)(A), 6160(f)(2)(A), and 6200(e)(3)(A), as appropriate.

Applicants preparing to teach severely retarded minors shall be required to perform the ninety clock hours of student teaching in classes for severely retarded children.

(c) **Substitute for Other Requirements.** Substitution may be made as follows:

(1) Six of the semester hours required in (a) may be substituted for 6 of the semester hours specified in Section 6130(f)(2)(B).

(2) Four of the semester hours required in (a) may be substituted for 4 of the semester hours specified in Section 6160(f)(2)(B).

6263. Area of the Orthopedically Handicapped, Including the Cerebral Palsied—Preparation. Specialized preparation in the area of the orthopedically handicapped, including the cerebral palsied, shall consist of all of the requirements in (a) and (b).

(a) **Course Work.** Twenty-two semester hours of course work, including each of the following:

(1) Introduction to exceptional children.

(2) Principles of counseling exceptional children and their parents.

(3) Language and speech development and disorders.

(4) Physical and neurological disorders of the cerebral palsied and orthopedically handicapped.

(5) Speech for the orthopedically handicapped, including the cerebral palsied.

(6) Curriculum and methods of teaching the orthopedically handicapped, including the cerebral palsied.

(7) Art, music, and recreation for the handicapped.

(8) Supervised observation of and participation in the education of the orthopedically handicapped, including the cerebral palsied.

(b) **Student Teaching.** Ninety clock hours of actual teaching in the classroom performed as student teaching in the area of the orthopedically handicapped, including the cerebral palsied, or, in lieu thereof, one year of successful full-time teaching of such students in a public school or private school of equivalent status. This ninety clock hours of student teaching shall be accepted toward meeting the student teaching requirements of Sections 6130(f)(2)(A), 6160(f)(2)(A), and 6200(e)(3)(A), as appropriate.

(c) **Substitute for Other Requirements.** Substitution may be made as follows:

(1) Six of the semester hours required in (a) may be substituted for 6 of the semester hours specified in Section 6130 (f)(2)(B).

(2) Four of the semester hours required in (a) may be substituted for 4 of the semester hours specified in Section 6160(f)(2)(B).

6264. Area of the Speech and Hearing Handicapped—Preparation. Specialized preparation in the area of the speech and hearing handicapped shall consist of all of the requirements in (a) and (b).

(a) **Course Work.** Thirty-seven semester hours of course work, including each of the following:

(1) Introduction to exceptional children.

(2) Principles of counseling exceptional children and their parents.

(3) Language and speech development and disorders.

(4) Course content basic to an understanding of normal and disordered speech; language and hearing systems involved in communication, including related biologic, physical, and social sciences such as speech pathology, hearing disorders, phonetics, voice science, psychology of communicative disorders, anatomy of speech and hearing mechanism, linguistics, semantics, emotional problems of children, and abnormal psychology.

(5) Specialized courses in speech disorders, i.e., articulation and delayed speech, voice, stuttering, aphasia, speech problems associated with structural anomalies, cerebral palsy, and mental retardation.

(6) Specialized courses in hearing disorders, i.e., audiometry, speech reading and auditory training, language development for hard of hearing.

(b) **Clinical Practice and Student Teaching.** Clinical practice and observation and student teaching as follows:

(1) One hundred thirty-five clock hours of clinical practice and observation with speech and hearing handicapped minors.

(2) Ninety clock hours of actual teaching of speech and hearing handicapped minors performed as student teaching or, as an equivalent thereof, one year of successful full-time teaching of such minors in a public school or private school of equivalent status.

This two hundred and twenty-five clock hours of clinical practice and observation and student teaching shall be accepted as fulfillment of the student teaching requirements for a standard teaching credential.

(c) **Substitute for Other Requirements.** Substitution may be made as follows:

(1) Six of the semester hours required in (a) may be substituted for 6 of the semester hours specified in Section 6130(f)(2)(B).

(2) Four of the semester hours required in (a) may be substituted for 4 of the semester hours specified in Section 6160(f)(2)(B).

6265. Area of the Visually Handicapped—Preparation. Specialized preparation in the area of the visually handicapped shall consist of all of the requirements of (a) and (b).

(a) **Course Work.** Twenty-two semester hours of course work, including each of the following:

(1) Introduction to exceptional children.

(2) Principles of counseling exceptional children and their parents.

(3) Language and speech development and disorders.

(4) Anatomy, physiology, and pathology of the eye, including measurement of vision.

(5) Social, psychological, and vocational problems of the visually handicapped.

(6) Services and programs for the visually handicapped.

(7) Adaptation of curriculum and teaching procedures in the education of the blind and the partially seeing, including methods and observation.

(8) Beginning and advanced Braille.

(b) **Student Teaching.** Ninety clock hours of actual teaching in the classroom performed as student teaching in the area of the visually handicapped or, in lieu thereof, one year of successful full-time teaching of such students in a public school or private school of equivalent status. This ninety clock hours of student teaching shall be accepted toward meeting the student teaching requirements of Sections 6130(f)(2)(A), 6160(f)(2)(A), and 6200(e)(3)(A), as appropriate.

(c) **Substitute for Other Requirements.** Substitutions may be made as follows:

(1) Six of the semester hours required in (a) may be substituted for 6 of the semester hours specified in Section 6130(f)(2)(B).

(2) Four of the semester hours required in (a) may be substituted for 4 of the semester hours specified in Section 6160(f)(2)(B).

6266. Requirements in the Area of Specialization for a Credential Issued Upon Partial Fulfillment of Requirements. The specialized preparation that an applicant for a credential to teach exceptional children issued under Section 6150 or Section 6190 or Section 6230 or Section 6288 shall have completed in his respective area of specialization as partial fulfillment of requirements is:

(a) **Deaf and Severely Hard of Hearing.** Fifteen semester hours to include the preparation specified in subparagraph (5) of Section 6261(a).

(b) **Mentally Retarded.** Nine semester hours to include the preparation specified in subparagraphs (a)(4) and (a)(5) of Section 6262.

(c) **Orthopedically Handicapped, Including the Cerebral Palsied.** Nine semester hours to include the preparation specified in subparagraphs (a)(1), (a)(4), and (a)(6) of Section 6263.

(d) **Speech and Hearing Handicapped.** Twenty-eight semester hours of the preparation specified in (a) of Section 6264, except (a)(2); and all of the preparation specified in (b) of Section 6264.

(e) **Visually Handicapped.** Nine semester hours to include the preparation specified in subparagraphs (a)(4) and (a)(7) of Section 6265 and beginning Braille in subparagraph (a)(8) thereof.

NOTE: Authority cited: Section 13197.3, Education Code.

History: 1. Amendment filed 11-17-65 as an emergency; effective upon filing (Register 65, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code filed 1-19-66 (Register 66, No. 2).

6285. Requirements. An applicant for a standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching (restricted to service as a librarian or as a teacher of exceptional children as provided by Education Code Section 13197.55) shall comply with the requirements of Article 3 of Subchapter 18, and shall have fulfilled the following requirements:

(a) Possession of a valid regular California general elementary, general secondary, or junior college teaching credential.

(b) Completion of the requirements in the United States Constitution specified in Education Code Section 13132.

(c) Specialized preparation completed at an approved institution as follows:

(1) The requirements specified in Section 6250(b) or (c), as appropriate (except that the requirements of Section 6250 (d) may be substituted therefor), if the service to be authorized is that of a librarian.

(2) The requirements in the area described in Sections 6261 to 6265, inclusive, appropriate to the specialization in which authorization is sought, if the service to be authorized is that of a teacher of exceptional children.

NOTE: Authority cited: Section 152, Education Code. Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. New Group 5.5 (Sections 6285 through 6291) filed 11-17-65 as an emergency; effective upon filing (Register 65, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code filed 1-19-66 (Register 66, No. 2).
3. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8).
4. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6286. Authorization. This credential authorizes the holder to perform service at any educational level, but service is limited to:

(a) Service as a librarian when the applicant has completed the requirements of Section 6285 (c) (1).

(b) Service as a teacher of exceptional children in an area described in Section 6285 (c) (2) when the specialized preparation for that area has been completed.

NOTE: Authority cited: Section 152, Education Code. Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8).
2. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6287. Term. Under the provisions of Education Code Section 13197.6, a credential issued under this article is valid for the life of the holder unless sooner suspended or revoked.

6288. Issuance on Condition upon Partial Fulfillment of Requirements. The credential shall be granted on condition to an applicant who meets all of the following requirements:

(a) Possession of a valid California general elementary, general secondary, or junior college credential.

(b) Specialized preparation as follows:

(1) The course work described in Section 6266 for an area of specialization, if the service to be authorized is that of a teacher of exceptional children.

(2) The requirements of Section 6251 (a), if the service to be authorized is that of a librarian.

(c) Submission of either a written statement made by an official of a school district that the applicant will be employed in that district to serve under the credential, if granted, or a comparable statement made by a county superintendent of schools or state agency.

(d) Submission of the applicant's written statement that he intends to complete the requirements of Section 6285 (c) (1) or (2), as appropriate.

NOTE: Authority cited: Section 152, Education Code. Reference: Sections 13197.3 and 13197.55, Education Code.

History: 1. Amendment filed 2-20-67 as an emergency; effective upon filing (Register 67, No. 8).
2. Certificate of Compliance—Section 11422.1, Government Code filed 4-20-67 (Register 67, No. 16).

6289. Authorization. A credential issued under this article authorizes the same service as such a credential issued upon completion of requirements.

6290. Term. A credential issued under Section 6288 shall be valid for a two-year term except that, when the basic general teaching credential held expires within the two years, the restricted credential assumes the validity date of the basic credential but may be extended for the original two-year period when the basic credential is renewed.

6291. Renewal. A credential so issued shall be renewed for successive two-year periods if the applicant meets the requirements of Section 6285(a) and (b), has fulfilled the requirements of Education Code Section 13132 and during the life of the credential to be renewed (or during the summer session following if the application for renewal has been filed before the expiration date of the credential) has completed six semester hours of the remaining required course work.

History: 1. Amendment filed 6-15-67 as an emergency; effective upon filing (Register 67, No. 24).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 9-21-67 (Register 67, No. 38).

6430. Requirements. An applicant for the standard designated services credential with a specialization in pupil personnel services as a mobility instructor for the visually handicapped, pursuant to the provisions of Education Code Section 6933, shall comply with the procedure prescribed for application (Article 3 of Subchapter 18) and shall be certified by the Department of Rehabilitation to the Department of Education as qualified for employment as a mobility instructor for the visually handicapped by reason of having met the requirements of subsection (c) and the requirements of either subsection (a) or (b).

(a) All of the following:

(1) Successful completion of four years of full-time course work at a college or university approved by the State Board of Education (additional qualifying experience may be substituted for not more than two years of college preparation at the rate of one year of experience for one year of college preparation), and

(2) Two years of full-time paid experience, over and above any experience offered under subsection (1) including experience with visually handicapped minors, teaching mobility and orientation in a recognized school, rehabilitation center or comparable rehabilitation organization for the blind (training at a United States Veterans' Hospital, or comparable facility, may be substituted for one year of experience), and

(3) Passing of a written and oral examination covering: orientation and mobility instruction techniques; social, psychological and physical problems of the visually handicapped; physiology and pathology of the eye; knowledge of methods of communication with the visually handicapped including Braille; knowledge of counseling; community resources for the visually handicapped. (In lieu of certifying to the passing of such written and oral examination the Department of Rehabilitation may certify as qualified a person who has been approved by the State Personnel Board for employment by that department as a mobility instructor for the visually handicapped under a temporary authorization (TAU). Such person may be issued a nonrenewable credential valid for one year.)

(b) Possession of a master's degree with appropriate training in mobility and orientation, or

(c) Possession of good physical health including:

(1) Normal hearing.

(2) Normal vision or vision corrected to normal in each eye without restriction of the field.

NOTE: Authority cited: Section 6933 and 13196, Education Code.

History: 1. New Group 7.1 (Section 6430–6431) filed 5-4-66 as an emergency; effective upon filing (Register 66, No. 12).
2. Certificate of compliance—Section 11422.1, Government Code filed 7-21-66 (Register 66, No. 23).
3. Amendment filed 7-21-66 as an emergency; effective upon filing. Certificate of Compliance included (Register 66, No. 23).

6431. Authorization for Service. The standard designated services credential with a specialization in pupil personnel services as a mobility instructor for the visually handicapped issued under Section 6430 authorizes the holder to perform at all grade levels in the public schools the following services, declared to be pupil personnel services, and which shall be designated on the credential:

Service restricted to instruction and guidance in the art of mobility for the visually handicapped.

History: 1. Amendment filed 7-21-66 as an emergency; effective upon filing. Certificate of Compliance included (Register 66, No. 23).

6553. Supervision of Special Education. An applicant for a standard supervision credential authorizing supervision of special education shall comply with the procedure prescribed for application (Article 3 of Subchapter 18) and shall meet all of the following requirements:

(a) Possession of a valid basic credential.

(b) The requirements specified in Section 6554(a) and six semester hours of course work specified in Section 6554(d), except that to fulfill the requirements of Section 6554(d)(2)(B) the capacity shall be supervision of special education.

(c) Five years of successful full-time classroom teaching of exceptional children, three years of which shall have been in a given area specified in Article 2 of Group 5.

6570. Definitions. Terms defined in Section 6102 have the same meaning when used in this subchapter.

NOTE: Authority cited: Sections 152, 13151 and 13152, Education Code.

History: 1. New Subchapter 18.2 (Sections 6570–6575, 6579–6585, 6588, 6589, 6592, 6593, 6596–6598) filed 12-20-67 as an emergency; effective upon filing (Register 67, No. 51).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 2-16-68 (Register 68, No. 7).

6571. Service Designated. A restricted credential shall designate service within one of the following areas of specialization:

(a) Teacher of deaf and severely hard of hearing children.
(b) Teacher of educable mentally retarded children.
(c) Teacher of trainable mentally retarded minors (Education Code Section 13151).
(d) Teacher of orthopedically handicapped children, including the cerebral palsied.
(e) Teacher of visually handicapped children.
(f) Speech and hearing specialist.
(g) Teacher of the visually handicapped in mobility.
(h) Teacher of deaf-blind children.

History: 1. Amendment filed 12-20-68; effective thirtieth day thereafter (Register 68, No. 48).

6572. Authorization for Service. A restricted credential authorizes service at all grade levels restricted, however, to service in the area of specialization designated on the credential.

6573. Application and General Requirements. An applicant for a restricted credential shall comply with the procedure prescribed for application (Article 3 of Subchapter 18), and shall have met the following requirements:

(a) A baccalaureate or higher degree from an approved institution.

(b) Except for specialization as a teacher of trainable mentally retarded minors, a fifth year of college or university postgraduate education, or the equivalent of a fifth year of college or university education as determined by the given institution. A fifth year means one of the following:

(1) Thirty semester hours (or 45 quarter units) of upper division or graduate level course work.

(2) A master's degree requiring not less than five years of education earned in an approved institution.

(c) Specialized preparation specified in the article of this subdivision that is applicable to the service to be designated on the credential.

6574. Term and Renewal. A restricted credential (except one issued on a postponement of requirements basis) issued under this subdivision is valid for ten years, unless sooner suspended or revoked, and may be renewed for successive ten year periods upon filing of an application pursuant to Section 6055.

6575. Postponement of Requirements. (a) **Requirements.** A credential may be issued to an applicant who has not completed all of the requirements for the credential, provided the applicant meets the following requirements:

(1) A baccalaureate or higher degree from an approved institution.

(2) Course work completed toward specialized preparation, as set forth in the applicable article for a credential issued under this section.

(3) A written statement of an official of a school district that the applicant will be employed in that district to perform the services authorized by the credential, if granted, or a comparable statement of a county superintendent or director of a state agency.

(4) The written statement of the applicant that he intends to complete all the requirements for the credential.

(b) **Term and Renewal.** A credential issued on a postponement of requirements basis is valid for two years unless sooner suspended or revoked and may be renewed as follows:

(1) A first renewal, valid for two years, shall be issued provided the applicant has completed 6 semester hours (or 9 quarter units) of the remaining required course work.

(2) A second renewal, valid for two years, shall be issued if the applicant has completed 12 additional semester hours (or 18 quarter units) of course work.

(3) A third renewal, valid to the June 30th following the close of seven years from the applicant's first employment under the credential initially issued, shall be granted provided the applicant has completed 6 additional semester hours (or 9 quarter units) of the remaining course work.

(4) In no event may the credential be renewed after seven years from the applicant's first employment under the credential initially issued, unless the applicant has fulfilled all requirements, in which latter event the credential may be renewed for successive 10 year periods as provided in Section 6574.

6579. Specialized Preparation Core Area. For each area, except the areas of teacher of trainable mentally retarded minors, speech and hearing specialist, and teacher of the visually handicapped in mobility, specialized preparation shall include both (a) and (b):

(a) At least 8 semester hours (12 quarter units) of course work consisting of content described in (1), (2), (3), and (4):

(1) Introduction to exceptional children.

(2) Principles of counseling exceptional children and their parents.

(3) Language and speech development and disorders.

(4) Growth and development of the normal child and adolescent.

(b) Ninety clock hours of actual classroom teaching of pupils who are handicapped in the area of applicant's specialization performed as part of a course in student teaching or one year of successful full-time teaching of such students in a public school or private school of equivalent status. Semester hour or quarter unit credit is not allowed for this preparation.

History: 1. Amendment filed 12-20-68; effective thirtieth day thereafter (Register 68, No. 48).

6580. Specialized Preparation. The specialized preparation required for a credential restricted to service as a teacher of deaf and severely hard of hearing children is 30 semester hours (or 45 quarter units) of course work to include all of the following:

(a) The core area of preparation described in Article 2.

(b) Twenty semester hours (30 quarter units) of course work consisting of content described in (1), (2), and (3):

> (1) Anatomy, physiology, and pathology of the speech and hearing mechanism, physics of sound (relative to the principles of sound amplification) including audioamplification systems and their utilization for instructional purposes; and audiology (relative to audiometric and hearing testing and assessment).
>
> (2) Speech reading; auditory training; principles and methods of teaching communication skills to the deaf and hard of hearing, including language and speech; and elementary school subjects (i.e., elementary school curriculum, or subjects, adapted to the methods of teaching the deaf).
>
> (3) Supervised observation and participation in the education of the deaf and hard of hearing.

(c) Two additional semester hours (three quarter units selected from the course work described in (b), or in Articles 4 through 8 of this subchapter except Section 6584(a), or specialized preparation in areas related to emotionally disturbed or neurologically handicapped children.

6581. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is 8 semester hours (12 quarter units) selected from course work described in Section 6580(b)(2).

6582. Specialized Preparation. The specialized preparation required for a credential restricted to service as a teacher of educable mentally retarded children is 30 semester hours (or 45 quarter units) of course work to include all of the following:

(a) The core area of preparation described in Article 2.

(b) Not less than 14 semester hours (21 quarter units) of course work consisting of content described in (1), (2), and (3).

> (1) Organic and cultural basis of mental retardation, including social, psychological, and vocational problems.
>
> (2) Development and learning characteristics of the mentally retarded; curriculum development, methods, and material for teaching the educable mentally retarded at the elementary and secondary levels.
>
> (3) Supervised observation and participation with the educable mentally retarded at different levels of education.

(c) Eight additional semester hours (12 quarter units) selected from the course work described in (b), or in Articles 3 through 8 of this subchapter except Section 6584(a), or specialized preparation related to emotionally disturbed or neurologically handicapped children.

6583. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is 8 semester hours (12 quarter units) selected from course work described in Section 6582(b)(1) and (b)(2).

6584. Specialized Preparation. In addition to the degree required by Section 6573(a), an applicant for a credential restricted to service as a teacher of trainable mentally retarded minors shall have completed specialized preparation described in one of the following:

(a) An experimental program approved by the State Board of Education as preparation for a teacher of trainable mentally retarded minors.

(b) The requirements specified in Section 6262.

6585. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is 8 semester hours (12 quarter units) selected from course work described in Section 6262(a)(4) and (a)(5).

6588. Specialized Preparation. The specialized preparation required for a credential restricted to service as a teacher of orthopedically handicapped children, including the cerebral palsied, is 30 semester hours (or 45 quarter units) of course work to include all of the following:

(a) The core area of preparation described in Article 2.

(b) Fourteen semester hours (21 quarter units) of course work consisting of content described in (1) through (5):

(1) Physical and neurological disorders of the cerebral palsied and orthopedically handicapped.

(2) Speech for the orthopedically handicapped, including cerebral palsied.

(3) Curriculum and methods of teaching the orthopedically handicapped, including the cerebral palsied.

(4) Art, music, and recreation for the handicapped.

(5) Supervised observation of and participation in the education of orthopedically handicapped, including the cerebral palsied.

(c) Eight additional semester hours (12 quarter units) selected from the course work described in (b), or in Articles 3 through 8 of this subchapter, except Section 6584(a), or specialized preparation related to emotionally disturbed or neurologically handicapped children.

6589. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is 8 semester hours (12 quarter units) selected from course work described in Section 6588(b)(1) and (b)(3) and from "introduction to exceptional children."

6592. Specialized Preparation. The specialized preparation required for a credential restricted to service as a teacher of visually handicapped children is 30 semester hours (or 45 quarter units) of course work to include all of the following:

(a) The core area of preparation described in Article 2.

(b) Fourteen semester hours (21 quarter units) of course work consisting of content described in (1) through (5):

(1) Anatomy, physiology, and pathology of the eye, including measurement of vision.

(2) Social, psychological, and vocational problems of the visually handicapped.

(3) Services and programs for the visually handicapped.

(4) Adaptation of curriculum and teaching procedures in the education of the blind and the partially seeing, including methods and observation.

(5) Beginning Braille.
(6) Advanced Braille.

(c) Eight additional semester hours (12 quarter units) selected from the course work described in (b), or in Articles 3 through 8 of this subchapter except Section 6584(a), or specialized preparation related to emotionally disturbed or neurologically handicapped children.

6593. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is beginning Braille and additional course work selected from course work described in Section 6592(b)(1) and (b)(4), to total (including the beginning Braille) eight semester hours (12 quarter units).

6596. Service as a Speech and Hearing Specialist. Service as a speech and hearing specialist comprises activities such as the following:

(a) Identification, assessment, and placement of pupils with disorders of speech, hearing, and language.

(b) Speech and language therapy for pupils with disorders of speech, hearing, and language.

(c) Specialized instruction for pupils on all grade levels who have disorders of speech, hearing, and language.

(d) Counseling of parents, teachers, other school personnel, and specialists in the community with respect to a pupil's handicap.

6597. Specialized Preparation. If the application is made prior to January 1, 1970, the specialized preparation described in Section 6264(a) and (b) may be offered in lieu of the specialized preparation described in this section.

Except as provided in the preceding sentence, the specialized preparation required for a credential restricted to service as a speech and hearing specialist shall include 60 semester hours (or 90 quarter units) of course work and clinical practice consisting of content described in subsections (a), (b), (c), and (d). At least 42 of such semester hours (or 63 of such quarter units) shall be completed in subsections (c) and (d). (A separate course for coverage of content in each subsection is not required.)

(a) Human development and the bases of speech, hearing, and language, including instruction selected from the following:

(1) Psychological and sociological aspects of human development.

(2) Psychology (growth and development) of exceptional children.

(3) Bases of speech, hearing, and language, including anatomical, physiological, neurological, psychological, and physical aspects.

(4) Speech and language development, including genetic and cultural aspects.

(b) Goals of public education, including instruction selected from the following:

(1) Objectives and basic foundations of public education.

(2) Role of the speech and hearing specialist in public education.

(3) Specialized techniques and procedures related to speech and hearing programs in the public schools.

(4) Relation of speech and hearing services to the total educational program.

(c) Disorders of speech, hearing, and language including instruction in the primary field and related fields as follows:

(1) Primary field, including instruction in each of the following:

(A) Current principles, procedures, techniques, and instrumentation used in evaluating the speech, language, and hearing of children and adults.

(B) Disorders of speech, language, and hearing; their classification, causes, and manifestations. (This shall include but not be limited to articulation, voice, stuttering, and aphasia.)

(C) Principles and remedial procedures used in habilitation and rehabilitation for those with various disorders of communication.

(D) Relationships among speech, language, and hearing problems, with particular concern for the child or adult with multiple physical or mental handicaps.

(2) Related fields, including instruction selected from the following:

(A) Organization and administration of programs designed to provide direct service to those with disorders of communication.

(B) Services available from related fields for those with disorders of communication.

(C) Theories of learning and behavior in their application to disorders of communication.

(D) Effective use of information obtained from related disciplines about the sensory, physical, emotional, social, and intellectual status of a child or adult.

(E) Principles and practices of counseling exceptional children and their parents.

(d) Clinical practice, including 275 clock hours of clinical practice with speech, hearing, or speech and hearing handicapped minors, of which 90 clock hours shall be performed in a public school or private school of equivalent status. The practice shall be performed under the supervision of speech and hearing personnel of an approved institution. A maximum total of 6 semester hours (or 9 quarter units) of credit shall be allowed for clinical practice.

One year of successful full-time experience as a speech and hearing specialist with such minors in a public school or private school of equivalent status may be substituted for the 90 clock hours of clinical practice required in the public or private school setting. Semester hour or quarter unit credit shall not be allowed for such service.

6598. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is the preparation described in either (a) or (b):

(a) Both of the following:

(1) Twenty-eight of the semester hours (or 42 quarter units) described in Section 6597(b) and (c). A minimum of 24 semester hours (or 32 quarter units) described in Section 6597(c) is required.

(2) Two hundred twenty-five clock hours of clinical practice (including either 90 clock hours in a public or private school or one year of successful experience) described in Section 6597(d).

(b) Both of the following:

(1) The master's degree described in Section 6573(b)(2), provided the master's degree is in speech pathology.

(2) Either 90 clock hours of clinical practice in a public or private school of equivalent status or one year of successful experience described in Section 6597(d).

6600. Specialized Preparation. The specialized preparation required for a credential restricted to service as a teacher of the visually handicapped in mobility is 30 semester hours (or 45 quarter units) of course work and field experience to include all of the following:

(a) The core area of preparation described in Section 6579(a).

(b) Fourteen semester hours (21 quarter units) of course work described in (1) through (7):

(1) Anatomy, physiology, and pathology of the eye, including measurement of vision.

(2) Social, psychological, and vocational programs for the visually handicapped.

(3) Services and programs for the visually handicapped.

(4) Introduction to the orientation and mobility curriculum.

(5) Beginning orientation and mobility techniques.

(6) Advanced orientation and mobility techniques.

(7) Observation of orientation and mobility instruction.

(c) Field experience, including 240 clock hours of teaching visually handicapped children including both blind and partially seeing children in mobility performed under the supervision of personnel of an approved institution who are qualified in the field of mobility instruction; of which 90 clock hours shall be performed in a public school or private school of equivalent status. A maximum total of 8 semester hours (12 quarter units) of credit shall be allowed for supervised field experience.

One year of successful, full-time experience as a teacher of visually handicapped children in mobility in a public school or private school or agency of equivalent status may be substituted for the 90 clock hours (4 semester hours) of the field experience required in a public or private school setting. Semester hour or quarter unit credit shall not be allowed for such service.

NOTE: Authority cited for Article 9: Section 152 Education Code. Reference: Section 13152, Education Code.

History: 1. New Article 9 (§§ 6600 and 6601) filed 12-20-68; effective thirtieth day thereafter (Register 68, No. 48).

6601. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is 8 semester hours (12 quarter units) selected from areas (b)(4), (b)(5), and (b)(6), and to include not less than 150 clock hours of supervised field experience in teaching visually handicapped children in mobility. One year of successful full-time experience teaching visually handicapped children in mobility may be substituted for 90 of the 150 clock hours of supervised field experience.

6603. Specialized Preparation. The specialized preparation required for a credential restricted to service as a teacher of deaf-blind children is 30 semester hours (45 quarter units) of course work to include all of the following:

(a) The core areas of preparation described in Article 2.

(b) Eighteen semester hours (27 quarter units) of course work and clinical or field experience to cover each of the following:

(1) Anatomy, physiology, and pathology of the eye and ear, including education implications of vision and hearing loss.

(2) Methods of teaching deaf-blind children.

(3) Specialized communication systems and their use for teaching deaf-blind children.

(4) Principles and methods of teaching deaf and hard-of-hearing children, including language and speech development and auditory training.

(5) Adaptation of curriculum and teaching procedures in the education of the visually handicapped, including methods and observation.

(6) Introduction to Braille.

(7) Supervised clinical or field experience with deaf-blind children.

(c) Four semester hours (6 quarter units) selected from the course work described in (b) above, or in Articles 3 through 10 of this subchapter (except Section 6584(a)), or specialized preparation related to emotionally disturbed or neurologically handicapped children.

NOTE: Authority cited for Article 10: Section 152 Education Code. Reference Section 13152, Education Code.

History: 1. New Article 10 (§§ 6603 and 6604) filed 12-20-68; effective thirtieth day thereafter (Register 68, No. 48).

6604. Postponement of Requirements. When the credential is issued pursuant to Section 6575, the specialized preparation required is 8 semester hours (12 quarter units) to include work selected from each of these areas: (b) (2), (b) (3), (b) (4) and (b) (6) from Section 6603.

6645. Time and Circumstances. Before July 1, 1970, but not thereafter, a provisional standard teaching credential with a specialization in elementary teaching, secondary teaching, and junior college teaching, valid for two years, may be granted under the following circumstances:

(a) When in the judgment of the Committee of Credentials, a qualified person holding a regular teaching credential, a standard teaching credential, or a valid provisional credential theretofore issued, of the type needed for a designated position is not available.

(b) The district superintendent, county superintendent, or agency needing to employ the person executes a statement of need described in Section 6649.

History: 1. New Article 3 (Sections 6645-6649) filed 2-26-64; effective thirtieth day thereafter (Register 64, No. 5).

6646. Requirements. An applicant for the credential shall comply with the requirements of Article 3 of Subchapter 18, submit with his application a statement of need described in Section 6649 and a statement of intent described in Section 6198 and shall meet all of the requirements of either (a) or (b) of this section.

(a) One of the following:

(1) A baccalaureate or higher degree and one year of full-time teaching within the seven years preceding the date of application in the area of specialization for which authorization is sought.

(2) Possession of a valid California general elementary, general secondary, or junior college credential and one year of successful full-time teaching completed within seven years of the date of application in the area of specialization for which authorization is sought.

(b) A baccalaureate or higher degree or possession of a valid California general elementary, general secondary, or junior college credential and applicable preparation as follows:

(1) **Deaf and Severely Hard of Hearing.** Six semester hours of principles and methods of teaching communication skills to the deaf and hard of hearing.

(2) **Mentally Retarded.** Any six semester hours of the preparation specified in Section 6262(a). (This six semester hours is waived if the applicant has had two years of successful full-time teaching experience within the seven years preceding the date of application in public schools or private schools of equivalent status.)

(3) **Orthopedically Handicapped, Including Cerebral Palsied.** Any six semester hours of preparation specified in Section 6263(a).

(4) **Visually Handicapped.** Any six semester hours of the preparation specified in Section 6265(a).

NOTE: Authority cited: Sections 13117, 13118, 13119, Education Code.

History: 1. Amendment filed 11-17-65 as an emergency; effective upon filing (Register 65, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code filed 1-19-66 (Register 66, No. 2).

6647. Authorization. Subject to the limitations described in Section 6196(a) and (b), a credential issued under this article authorizes the same service as that authorized by a standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching when the holder has completed an area of specialized preparation other than in the specialization of the speech and hearing handicapped, except that the holder may serve only in programs or classes in special education other than the area of the speech and hearing handicapped and then only in the area of specialization for which authorization is sought.

6648. Renewal. A credential issued under this article shall be renewed for successive two-year periods and during the term of the credential to be renewed (or during the summer session following if the application for renewal has been filed before the expiration date of the credential) has completed 12 semester hours of course work required in Sections 6130, 6160, or 6200. He shall fulfill the requirements in specialized preparation before fulfilling other remaining requirements for the credential.

NOTE: Authority cited: Sections 13117, 13118, 13119, Education Code. Additional authority cited: Section 25510, Education Code.

History: 1. Amendment filed 11-17-65 as an emergency; effective upon filing (Register 65, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code filed 1-19-66 (Register 66, No. 2).
3. Amendment filed 6-15-67 as an emergency; effective upon filing (Register 67, No. 24).
4. Certificate of Compliance—Section 11422.1, Gov. Code, filed 9-21-67 (Register 67, No. 38).

6649. Statement of Need. For the purposes of this statement, a "credentialed person" means a person holding a regular credential, an initial provisional credential issued prior to January 1, 1964 (or so issued but renewed thereafter), or a standard credential of the type needed for the position theretofore issued upon either completion or partial fulfillment of requirements. The statement of need shall:

(a) Be made and signed by the county superintendent of schools, or be made and signed by the superintendent of the schools of the district and approved by the county superintendent of schools, or made and signed by the head of the state agency concerned, as the case may be, through whom the application is submitted.

(b) State that the applicant, if granted the credential, will be employed in a specified position. The grade level and the subjects to be taught or the service to be rendered shall be specified.

(c) State that the district, county superintendent, or agency, as the case may be, has attempted to fill the position at a salary at least equal to the lowest annual salary payable under the respective schedule of the district, county superintendent, or agency to a person in this position who holds an appropriate credential other than a provisional credential.

(d) State either that a credentialed person is not available, or that one or more credentialed persons are available but are not deemed qualified by the district, county superintendent of schools, or state agency, as applicable, to hold the position.

(e) Include the following information:

(1) A description of the position to be filled.

(2) The lowest annual salary payable under the salary schedule of the district, county superintendent, or agency, as appropriate, to a person in this position who holds an appropriate credential other than a provisional credential.

(3) The salary offered to the applicant.

(4) A statement that the position was offered at the salary specified in (e)(2) or at a higher salary (naming the amount if a higher salary was offered) and either that no credentialed person applied for the position or that a credentialed applicant for the position has indicated that he would not accept.

(f) State that the person making and signing the statement of need has, within the calendar month preceding the date of the statement, communicated with more than one California college, university, or other teacher placement bureau (naming the placement bureaus with which such communication was had), and that the placement bureau of each of such named institutions has informed him that no credentialed person meeting the specifications for the position furnished by the district, county superintendent of schools, or state agency, as applicable, is available at a salary at least equal to the salary specified in (e)(2).

(g) Be dated not earlier than July 15.

History: **1. Correction of subsection (b) filed 2-28-64; effective thirtieth day thereafter (Register 64, No. 5).**

6650. Time and Circumstances. Before July 1, 1970, but not thereafter, a provisional standard teaching credential with a specialization in elementary teaching or secondary teaching or junior college teaching, for substitute, replacement, and, with respect to a credential authorizing service only in the area of the mentally retarded service as a successor to a reassigned teacher, may be granted when all of the following circumstances exist:

(a) When in the judgment of the Committee of Credentials a qualified person holding a regular teaching credential, a standard teaching credential, or a valid provisional credential theretofore issued, of the type needed for a designated position is not available.

(b) The district superintendent, county superintendent, or agency needing to employ the person executes a statement of need (signed by the county superintendent of schools, or by the superintendent of schools of the district and approved by the county superintendent of schools, or by the head of the state agency concerned, as the case may be, through whom the application is submitted) that declares no qualified person holding a regular credential, an initial provisional credential issued prior to January 1, 1964 (or so issued and renewed thereafter), a provisional standard credential issued pursuant to Article 3, or a standard teaching credential of the type needed is available, and that the applicant, if granted the provisional credential applied for, will be employed only as:

(1) A substitute for a regular teacher absent from service.

(2) A replacement for a regular teacher whose employment for the school year has been terminated by death, resignation, or dismissal prior to the close of the school year.

(3) A successor to a reassigned teacher (naming the reassigned teacher).

(c) The statement of need is dated and signed not earlier than August 1.

History: 1. New Article 3.1 (Sections 6650-6652) filed 2-26-64; effective thirtieth day thereafter (Register 64, No. 5).
2. Amendment of article filed 10-19-64 as an emergency; effective upon filing (Register 64, No. 21).
3. Certificate of compliance—Sec. 11422.1, Gov. Code, filed 12-16-64.
4. Amendment filed 11-17-65 as an emergency; effective upon filing (Register 65, No. 22).
5. Certificate of Compliance—Section 11422.1, Government Code filed 1-19-66 (Register 66, No. 2).

6651. Requirements. An applicant for the credential shall comply with the requirements of Article 3 of Subchapter 18 and shall submit with his application:

(a) The statement of need described in Section 6650(b).

(b) An official transcript verifying the completion of a baccalaureate or higher degree earned in an approved institution, or in lieu thereof, a statement that he holds a valid California general elementary, general secondary, or junior college credential and intends to qualify under Education Code Section 13197.55.

History: 1. Amendment filed 11-17-65 as an emergency; effective upon filing (Register 65, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code filed 1-19-66 (Register 66, No. 2).

6652. Authorization. A credential issued under this Article authorizes service as: (a) A substitute or replacement in teaching classes in special education other than in the area of the speech and hearing handicapped.

(b) A successor to a reassigned teacher in the area of the mentally retarded only.

This authorization does not apply to new classes in special education organized after school closes in the Spring, nor, except for substitute and replacement service, to any class previously taught by a successor teacher under this credential.

If the credential is issued prior to November 1, 1965, it also authorizes service as the immediate "successor to a reassigned teacher" in special education in the fields of the deaf and severely hard of hearing, the orthopedically handicapped, including the cerebral palsied and the visually handicapped. The service shall be in the same class or classes taught by the reassigned teacher during either the preceding school year or the then current school year. A reassigned teacher is a person who:

(a) Performed services for a school district under a credential described in Section 6650(a) as a teacher in one of the foregoing fields of special education during either the school year preceding the date of application or the school year in which the application is filed. (The reassigned teacher shall not be deemed to be "available" within the meaning of Section 6650.)

(b) Is reassigned to perform service in another position in the same district.

History: 1. Amendment filed 11-17-65 as an emergency; effective upon filing (Register 65, No. 22).
2. Certificate of Compliance—Section 11422.1, Government Code filed 1-19-66 (Register 66, No. 2).

6652.1. Expiration Date and Renewal. A credential granted pursuant to this Article shall expire on June 30 following the date of its issuance and is not renewable except as renewal is required by law.

History: 1. New section filed 10-19-64 as an emergency; effective upon filing (Register 64, No. 21).
2. Certificate of compliance—Sec. 11422.1, Gov. Code, filed 12-16-64 (Register 64, No. 25).

6700. Application of Article. This article applies to members of the teaching staff of a special school.

NOTE: Authority cited for Article 1 (Sections 6700-6707): Sections 3208, 25554, 25754, and 26404 (formerly 9188, 20754, 20904 and 26404), Education Code. Issuing agency: Superintendent of Public Instruction.

History: 1. New Subchapter 20 (§§ 6700-6707 and 6725-6729) filed 10-23-56; effective thirtieth day thereafter (Register 56, No. 20).

6701. Definitions. The following words have in this subchapter the meaning specified in this section:

(a) **Special School.** "Special school" means the California School for the Deaf, Berkeley, the California School for the Deaf, Riverside, the California School for the Blind, the School for Cerebral Palsied Children, Northern California, and the School for Cerebral Palsied Children, Southern California.

(b) **Employee.** "Employee" means a member of the teaching staff of a special school.

(c) **Administrator.** "Administrator" means the superintendent of a special school.

(d) **School Holiday.** "School holiday" means a day designated as a school holiday in the bulletin of the special school.

(e) **School Term.** (1) "School term" as it applies to a teacher except a supervising teacher means the period which the administrator of a school shall designate beginning in any fiscal year with the first day upon which members of the teaching staff whose principal duty is to perform actual teaching on the campus of the school are required to be present for duty and ending in the following calendar year with the last day those members are required to be present for duty, and shall include at least 175 actual days of teaching.

(2) "School term" as it applies to a supervising teacher means the period which the administrator of a school shall designate beginning in any fiscal year with the first day upon which members of the teaching staff whose principal duty is that of supervision are required to be present for duty and ending in the following calendar year with the last day those members are required to be present for duty, excluding, however, any summer session service for which such a person may be employed.

(f) **Teacher Workday.** "Teacher workday" means each day during the school term designated by the administrator as a teacher workday for school term employees, regardless of whether or not any such teacher workday is a legal holiday enumerated in Government

Code Section 18025. Said teacher workdays shall be designated for any five days per week during the school term unless an academic holiday or holidays fall thereon.

(g) **Annual Salary.** "Annual school term salary" means the product of 12 times an employee's monthly salary specified for the position.

History: 1. Amendment filed 7-15-64; effective thirtieth day thereafter (Register 64, No. 15).
2. Amendment filed 5-24-67; effective thirtieth day thereafter (Register 67, No. 21).

6702. Fixing of School Term, Summer School, and School Holidays. The administrator of a special school shall annually for pay plan purposes:

(a) Fix and publish in the annual bulletin of the special school the beginning and ending dates of the school term as it applies to a teacher except a supervising teacher and, if a summer school is held, the summer school.

(b) Publish in the annual bulletin of the special school all days designated by the administrator as school holidays.

(c) Certify to the State Director of Education and to the State Controller prior to the beginning of each school term:

(1) The beginning and ending dates of the school term and of the summer school.

(2) The number of teacher workdays in the school term and summer school, respectively.

(3) The number and dates of school holidays in the school term and summer school, respectively.

(d) Whenever there is a difference, certify separately the school term, teacher workdays, and school holidays fixed for supervising teachers.

(e) The administrator, subject to the approval of the Director of Education, may, at any time during the year, certify to the State Director of Education and the State Controller an amendment to the calendar previously submitted.

History: 1. Amendment filed 7-15-64; effective thirtieth day thereafter (Register 64, No. 15).

6703. Classification of Employees for Pay Plan Purposes. For pay plan purposes, the following classes of employees of special schools are established:

(a) School term employee—an employee who is required to render service under any of the following pay roll titles for the applicable school term only at a special school:

(1) Teacher, except a person performing duties under Education Code Section 25803 or 25902.

(2) Supervising teacher.

(b) Summer school teacher—an employee employed to render service in a summer school conducted by a special school.

(c) Fiscal year employee—an employee employed in a position for which a specified number of days of vacation are allowed for each month of service and who is required to work on state workdays unless he is on vacation. Each of the following persons, among others, is required to work on state workdays unless he is on vacation:

(1) An employee described in Education Code Section 25803 (field worker).

(2) An employee described in Education Code Section 25902 (visiting teacher to blind children of preschool age).

(3) An employee whose pay roll title is one of the following:

(A) "Principal."

(B) "Director of Advanced Studies."

(d) Substitute teacher—an employee whose pay roll title is "Substitute teacher" and who is employed for a limited period to perform the duties of a regular teacher who is absent from duty.

(e) Reader for the blind—an employee whose duties are to aid a blind student with his studies.

History: 1. Amendment filed 3-14-60 as an emergency; effective upon filing (Register 60, No. 6).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 5-16-60 (Register 60, No. 12.)
3. Amendment filed 7-15-64; effective thirtieth day thereafter (Register 64, No. 15).
4. Amendment filed 5-24-67; effective thirtieth day thereafter (Register 67, No. 21).

6704. Effective Date of Initial Appointment. The effective date of the appointment of an employee of a special school shall be as follows:

(a) When the appointment is as a school term employee who reports for duty at the beginning of the school term, the first day of the state pay period during which the school term begins.

(b) Except as otherwise provided in this section, the date of appointment to a position in a special school shall be the date the employee reports for duty.

6705. Pay Plan for School Term Employee. (a) **Pay for Entire School Term.** A school term employee who completes all the service required for an entire school term shall for such service be paid his annual school term salary in installments payable on state pay days covering the period of one year beginning with the effective date of his appointment to the position. The first installment shall be paid on the first state pay day following the effective date of his appointment for the year and shall be the amount of the established monthly salary for the position. If such employee separates from the position following the completion of his assigned duties in the position but prior to the end of the period of a year, he may on separation be paid as a final settlement the unpaid balance of the salary due him, such balance to be computed by taking into account changes, if any, in the salary rate and time base. Such balance will equal the amount which the employee would have been paid had he continued in employment until the end of the period of a year.

(b) **Interim Adjustment in Pay Due to Noncompensable Absence.** If, because of a late start or noncompensable absence of a school term employee, it is necessary to reduce the salary payment for any state pay period, the interim reduction for that period shall be at the rate of $\frac{1}{210}$ (one two-hundred-tenth) of the annual school term salary of the employee for each teacher workday the employee was in a nonpay status, except that if such computation in any one pay period would result in zero or minus pay for the person, he shall be paid at the rate of $\frac{1}{210}$ (one two-hundred-tenth) of his annual school term salary for each day actually worked during such a pay period.

(c) **Settlement Payments.** A school term employee who serves less than a school term, or whose pay has been adjusted due to a late start or a noncompensable absence, or who has had a change in time base, or who is transferred to service in a position other than as a school term employee shall, on the state pay day immediately following the final state pay period for which he was appointed and has served or at the time he separates or transfers from the school term position, receive a final settlement payment computed in accordance with the following formula:

(First step)

$$\text{Total salary earned} = \frac{\text{Total teacher workdays worked}}{\text{Number of teacher workdays in school term}} \times \text{Annual school term salary}$$

(Second step)

$$\text{Amount of settlement payment} = \text{Total salary earned} - \text{Salary previously received for current school term}$$

(d) **Report to Controller.** The final settlement payment shall be computed by the special school and a copy of such computation furnished to the Controller's disbursing office.

6706. Pay Plan for Summer Session Employee. (a) For service during the summer session, a school term employee employed as a summer school teacher shall be paid at the monthly salary rate established for his school term position, but not to exceed a total of two months' salary in addition to any salary due him for service during the school term.

(b) Any other summer session employee shall be paid at his monthly salary rate established for the position, but not to exceed a total of two months' salary.

6707. Pay Plan for Other Employees. The workdays and pay plan for fiscal year employees and the pay plan for substitute teachers and readers for the blind shall be the same as for a state civil service employee. The employee shall be paid at his established monthly, per diem, or hourly salary rate for the position on each state pay day for the time served by him during the immediately preceding state pay period.

6725. Definitions. Definitions contained in Article 1 apply to this article.

NOTE: Authority cited for Article 2 (Sections 6726-6729): Section 260 (formerly 20251), Education Code. Issuing agency: Director of Education.

6726. Classification of Employees for Vacation Purposes. For vacation purposes, employees are classified the same as for pay plan purposes.

6727. School Term Employees. Each school term employee is allowed vacation on days falling between the end of one school term and the beginning of the next school term and on days certified to the Controller as holidays during the school term, except that the number of holidays so scheduled and observed on regular state workdays which is equal to the number of state holidays on which a school term employee is required to work is compensating time off for time worked on state holidays.

6728. Fiscal Year Employees. (a) **Vacation Credit for Full-time Employment.** On the day following completion of six months of continuous service, an employee rendering full-time service as a fiscal year employee shall be allowed 10½ workdays of credit for vacation with pay. Thereafter, for each additional calendar month of full-time service he shall be allowed on the first day of the following month 1¾ workdays of credit for vacation with pay.

(b) **Vacation Credit for Less Than Full-time Employment.** A fiscal year employee rendering service on less than a full-time basis, and who has completed at least six months of continuous service in this type of position, shall for such service be allowed on the day following completion of 960 hours of paid employment in the position or positions 10½ workdays of credit for vacation with pay. Thereafter, on the first day of the month following completion of additional service of 160 hours in the position or positions, the employee shall for that service be allowed 1¾ workdays of credit for vacation with pay.

(c) **Accumulation.** A fiscal year employee shall be permitted to accumulate and to be paid for vacation in accordance with the provisions of Section 383 of Title 2 of the California Administrative Code.

(d) **Right to Vacation.** The administrator of the special school in which a fiscal year employee is employed shall determine when the employee shall take vacation. In the event the administrator does not provide vacation for two successive calendar years, the employee may take, as a matter of right, not more than 21 days of accumulated vacation immediately preceding the end of the second of the successive calendar years, the balance of his accumulated vacation to remain to his credit.

6729. Summer Session Employees, Substitute Teachers, and Readers for the Blind. An employee rendering service as a summer session employee, a substitute teacher, or a reader for the blind is not allowed vacation rights for such service.

6730. Definitions. (a) The designation of classes of members of the teaching staff of a special school established by Section 6703 applies to this article.

(b) "Tenure" is the right, under the provisions of this article, of an employee to continued full-time employment as a teacher at a particular special school, subject to resignation, dismissal, suspension, and termination as provided in this article.

(c) A "pre-tenure employee" is a school term employee or principal at a particular special school who does not have tenure.

(d) A "tenure employee" is a person who has tenure.

(e) "Full-time service" means full-time service as one of the following:

(1) A school term employee, for 75% of the teacher work days in one school term applicable to the employee,

(2) A principal, for 75% of the work days applicable to him in one fiscal year.

NOTE: Authority cited for Article 3 (§§ 6730–6734): Sections 25554, 25754 and 26404, Education Code.

History: 1. New Article 3 (§§ 6730–6734) filed 5-24-67; effective thirtieth day thereafter (Register 67, No. 21).

6731. Acquisition of Tenure. Tenure is acquired by meeting all of the requirements specified in any *one* of the following subsections:

(a) Full-time service as a pre-tenure employee at one special school in one or more classes of employees for three successive school terms or fiscal years, as applicable; and commencement of service upon reappointment for full-time service at that school for the next school term or fiscal year, as applicable. The tenure is in that school.

(b) Voluntary transfer, including transfer in lieu of layoff, of a tenure employee at one special school to another special school for the same type of student; full-time service for one school term, or fiscal year, as applicable, immediately following the transfer, in the special school to which the employee so transferred; and commencement of service under reapportionment for full-time service at that school for the next school term or fiscal year, as applicable. At the date of commencement of service for the second school term, or fiscal year, as applicable, at that school, the transferee shall lose tenure at the school from which he transferred, and shall have tenure at the school to which he transferred.

(c) Transfer of a pre-tenure employee from a special school to a newly established special school for the same type of student; rendition of full-time service for three successive school terms or fiscal years, as applicable, at either or both of such schools, and commencement of service under appointment for full-time service at the newly established school for the next school term or fiscal year, as applicable. At the date of such commencement of service, the transferee shall lose all rights toward tenure at the school from which he transferred and shall have all such rights at the school to which he transferred.

(d) Full-time service in a special school by a pre-tenure employee for at least one school term or fiscal year, as applicable; transfer to an existing special school and rendition of full-time service therein for two successive school terms or fiscal years, as applicable; and commencement of service therein under a reapportionment for full-time service at that school for the next school term or fiscal year, as applicable. At the date of commencement of service under such reappointment, the transferee shall lose all rights toward tenure at the school from which he transferred and shall have tenure in the school to which he transferred.

(e) Rendition at a particular special school of two or more successive school terms or fiscal years, as applicable, of full-time service as a school term employee or principal at that school, immediately prior to the 1967–68 school year, full-time service at the school during the 1967–68 school year, and commencement of service under reappointment for full-time service at that school for the 1968–69 term or fiscal year, as applicable. Tenure shall be in that school.

6732. Tenure of a Principal or Supervising Teacher. A principal or supervising teacher may acquire tenure only as a teacher.

6733. Reappointment and Notice of Intention Not to Reappoint. A pre-tenure employee shall be deemed to be reappointed for the school term or fiscal year, as applicable, succeeding the school term or fiscal year in which he is serving, unless by March 1 the superintendent of the school gives him notice that he will not be reappointed. The notice shall be in writing, signed by the superintendent of the school, and given in either of the following ways:

(a) Mailed, by certified mail, return receipt requested, to the employee at his last known address.

(b) Delivered to the employee in person and his written receipt of the notice secured. If the employee refuses to sign the receipt of notice, an affidavit of service made by the person delivering the notice and filed with the superintendent of the school shall be deemed the equivalent of acknowledgment of receipt of notice.

6734. Acceptance of Appointment or Reappointment. (a) A pre-tenure or tenure employee shall be deemed to have accepted an appointment or reappointment for full-time service for the succeeding school term or fiscal year, as applicable, unless he gives written notice to the superintendent of the school by April 1 that he resigns effective on or before the close of the school term or fiscal year, as applicable, in which he is serving.

(b) An employee who has accepted full-time employment for a school term or fiscal year, as applicable, but without good cause fails to render full-time service for that school term or fiscal year shall be deemed to have conducted himself unprofessionally.

6735. Area and Order of Layoff. Whenever a determination has been made that there is a lack of funds or lack of work:

(a) The superintendent of a special school may, without regard to teaching service area to be reduced, separate from service any part-time teacher, substitute teacher, or summer school teacher. Such persons, if performing the same or comparable work as that performed by a pre-tenure or tenure employee, shall be separated before any pre-tenure or tenure employee whose work is the same or comparable and who desires to continue in employment is laid off under this article.

(b) Layoff of pre-tenure and tenure employees shall be by teaching service areas within a special school. Teaching service areas are: academic classroom teachers, physical education teachers, vocational teachers, and other teachers. Employees in a teaching service area shall be laid off in the following order:

(1) Pre-tenure employees shall be separated without regard to length of service.

(2) Tenure employees shall be separated in the inverse order of their length of employment.

NOTE: Authority cited for Article 4 (§§ 6735–6737): Sections 25554, 25754, and 26404) Education Code.

History: 1. New Article 4 (§§ 6735–6737) filed 5-24-67; effective thirtieth day thereafter (Register 67, No. 21).

6736. Notice of Layoff. After a determination has been made of the teaching service area to be reduced and the number of employees to be laid off, the superintendent shall notify each employee to be laid off that the employee is being laid off for lack of funds or lack of work and the effective date of the layoff. Such notice shall be in writing and mailed by certified mail, return receipt requested, to the employee's last known address or the notice may be delivered to the employee in person, who shall acknowledge receipt of the notice in writing. The notice shall be so delivered or mailed at least thirty days prior to the effective date of the layoff. When curricular shifts or other program changes which can be anticipated are to be made, those who will be laid off will normally be notified at least one year in advance.

6737. Acceptance of Layoff. An employee to be laid off may elect to accept such layoff prior to the date named in the notice of layoff. If an employee elects to accept early layoff, he shall give notice of such election as soon as possible.

6738. Cause. Any ground for which a permanent certificated employee of a school district may be dismissed or suspended by a school district constitutes ground for suspension or dismissal of a tenure employee.

NOTE: Authority cited for Article 5 (§§ 6738–6741): Sections 25554, 25754 and 26404), Education Code.

History: 1. New Article 5 (§§ 6738–6741) filed 5-24-67; effective thirtieth day thereafter (Register 67, No. 21).

6738.1. Notice of Dismissal or Suspension. The superintendent of a special school, with the approval of the Assistant Chief of the Division of Special Schools and Services, may give, on behalf of the Superintendent of Public Instruction, notice of dismissal or suspension by serving upon the employee, either personally or by certified mail, a written notice thereof. The notice shall contain a statement of the ground upon which the dismissal or suspension is based and the date upon which the dismissal or suspension becomes effective.

6739. Hearing. If the employee, within 10 days of receipt of such notice, files with the Chief of the Division of Special Schools and

Services a request for hearing, the said chief of the division or a person designated by him shall, within 30 days, hold a hearing at which evidence on behalf of the Superintendent of Public Instruction and on behalf of the employee regarding the existence of grounds for such dismissal or suspension may be presented. The chief of the division shall cause notice of the hearing to be served upon the employee either personally or by certified mail. Testimony at the hearing shall be recorded by means of a recording machine, and written documents presented shall be marked as exhibits and retained by the Chief of the Division of Special Schools and Services for the purposes of Section 6740.

6740. Appeal. The Chief of the Division of Special Schools and Services or his designee, whichever holds the hearing, shall prepare a written statement that he finds grounds do, or do not, exist for the employee's dismissal or suspension. A copy of that finding shall be served upon the employee either personally or by certified mail. Unless within 15 days of receipt of such finding, a tenure employee appeals to the Superintendent of Public Instruction for reconsideration of a finding unfavorable to the employee, the dismissal or suspension is confirmed. An employee may, within that 15 day period, file with the Superintendent of Public Instruction a notice that he requests reconsideration. The Superintendent of Public Instruction or his appointed deputy superintendent may convene an advisory panel in deciding such appeal. The Superintendent of Public Instruction or such deputy superintendent and, if there is an advisory panel, such panel shall consider the testimony as recorded at the hearing before the Chief of the Division of Special Schools and Services or his designee and shall consider any documents submitted as exhibits at the hearing. The determination of the Superintendent of Public Instruction or his appointed deputy, whichever considers the testimony and exhibits, that grounds for dismissal or suspension of the employee do or do not exist shall be final.

If, on appeal, the Superintendent of Public Instruction determines that no ground exists for the dismissal or suspension, the person shall be deemed to have been continuously employed through the date of such determination. If, on appeal, the Superintendent of Public Instruction determines that ground exists for the dismissal or suspension, the person shall be deemed to have been dismissed or suspended on the date specified in the notice of dismissal or suspension.

6741. Termination. The Superintendent of Public Instruction may terminate the employment of a tenure employee under conditions specified in Sections 13255 and 13256 or upon revocation of the employee's credentials without complying with Section 6739 or 6740.

8100. General. (a) "Development center", as used in this chapter, means a development center for the supervision and instruction of handicapped minors as authorized by Article 2 of Chapter 5 of Division 12 of the Education Code.

(b) Each development center is separate and distinct and shall be approved by the Superintendent of Public Instruction for a specific public school education agency for a specific location which shall be indicated in the approved application. The center shall be operated and conducted in the name of and by the applicant agency. Separate applications are required for the establishment of centers maintained in separate locations even though they are operated by the same applicant agency. (Separate applications are not required for separate buildings at the same location.)

(c) A class unit shall be comprised of no more than 12 handicapped minors with the center enrollment not to exceed an average of 10 per class unit.

(d) Standards for development centers shall be the same as standards for children's centers, except as specified in this chapter.

NOTE: Authority cited for Chapter 1.3: Section 16645.17, Education Code.

History: 1. Renumbering of Article 19.5 of Subchapter 1 of Chapter 1 to Article 1 of Chapter 1.3; repealer of Section 189.1 and renumbering of Sections 189, 189.2 through 189.8 to Sections 8100 through 8107 respectively and amending Sections 189 and 189.7; filed 12-20-66 as an emergency; effective upon filing (Register 66, No. 45). For history of former Sections 189 through 189.8, see Register 66, Nos. 5 and 11.
2. Certificate of Compliance—Section 11422.1, Government Code, filed 2-9-67 (Register 67, No. 6).
3. Amendment filed 9-1-67; effective thirtieth day thereafter (Register 67, No. 35).
4. Amendment of subsection (c) filed 7-3-68; effective thirtieth day thereafter (Register 68, No. 25).

8101. Specialized Personnel. Specialized personnel may be assigned duties by the governing board as it is deemed necessary to perform specialized functions relating to handicapped minors. If such specialized functions other than social work and nursing services, may be performed in the public schools only by persons holding special credentials issued pursuant to Chapter 2, Division 10 of the Education Code, those specialized functions may be performed in development centers only by persons holding such specialized credentials.

(a) Social workers providing services to a development center shall comply with one of the following:

(1) Possession of an appropriate credential issued pursuant to Chapter 2, Division 10 of the Education Code.

(2) Possession of the minimum requirements established by the State Director of Social Welfare pursuant to Welfare and Institutions Code Sections 10901–10904 for employment as a social worker in the California County Merit System. (Section P640 of State Department of Social Welfare Manual of Policies and Procedures—Welfare Personnel Standards.)

(b) Nurses providing services to a development center shall comply with one of the following:

(1) Possession of an appropriate credential issued pursuant to Chapter 2, Division 10 of the Education Code.

(2) Possession of a valid certificate of public health nursing issued by the California State Board of Public Health.

(3) Registration as a registered nurse with the California Board of Nursing Education and Nurse Registration as specified in Section 2725 of the Business and Professions Code.

NOTE: Additional authority cited: Sections 16645.4 and 16645.14, Education Code.

History: 1. Amendment filed 7-3-68; effective thirtieth day thereafter (Register 68, No. 25).

8102. Records on Applications to Development Centers for Handicapped Minors. (a) The governing board shall obtain from the parent or guardian of each minor for whom admission to such a center is requested, the information as may be required by the board to determine the eligibility of the minor. Information so procured shall be confidential, except that the governing board shall, upon request make such records available to the State Department of Education, and may make such records available under any circumstances and to any person specified in Education Code Section 10751.

(b) The governing board may require and shall keep such additional information and records regarding the application as in the judgment of the board are necessary to fulfill the criteria established in Section 8103.

History: 1. Amendment of subsection (a) filed 7-3-68, effective thirtieth day thereafter (Register 68, No. 25).

8103. Eligibility of Children for Admission. (a) The governing board shall appoint an admissions committee consisting of at least three members. The following persons shall be members of the committee:

(1) A licensed physician.

(2) A person serving as the supervising head teacher of the development center for which the child is being considered for admission.

(3) A person who is a psychologist holding a credential authorizing the giving of an individual examination for purposes of Education Code Section 6908.

(b) The admission of a handicapped minor to a development center shall be made upon the recommendation of the admissions committee. The continuance, transfer, or discharge of a minor enrolled in a development center shall be subject to periodic review and recommendation of the admissions committee.

(c) The determination of eligibility of a minor for admission to a development center shall include examinations given by a psychologist or psychometrist and a licensed physician. A minor may be eligible if all of the following apply:

(1) He is found to be ineligible for enrollment in a regular day class.

(2) He is found to be ineligible for enrollment in special education programs maintained, or authorized to be maintained, by a school district or county superintendent of schools.

(3) He is found to have one or more of the following conditions:

(A) Serious impairment of locomotion;

(B) Severe orthopedic condition;

(C) Other severe disabling conditions which have as their origin mental retardation and/or physical impairment;

(D) Severe mental retardation.

(d) One criterion for eligibility for admission to a development center is the ability of the minor to participate in at least one aspect of the program without danger to himself or others in the performance of daily activities.

(e) When a child attending a development center for handicapped minors is not a resident of the district or county maintaining the center, he shall be considered for fiscal purposes, when less than 14 years and 9 months of age on September 1, to be the responsibility of the elementary district in which he resides, regardless of whether the center he attends is maintained by a high school district, elementary district, unified district or county superintendent of schools. Conversely a child 14 years and 9 months of age or over as of September 1 is the fiscal responsibility of the high school district in which he resides, regardless of whether the center he attends is maintained by a high school district, elementary district, unified district or county superintendent of schools. The attendance is credited to the public school agency which maintains the center the child attends.

History: 1. Amendment filed 7-3-68; effective thirtieth day thereafter (Register 68, No. 25).

8104. Program. (a) The program of a development center shall provide for the supervision, instruction, and periodic assessment of the development of each minor admitted to the center to determine readiness for transfer to other programs, continuance in the program of the development center, or discharge. Such services shall be offered for a minimum of six hours per day and are authorized to be provided for up to 250 days per year.

(b) Such program services shall include but not be limited to supervision, training, medical and psychological assessment, school nursing, feeding, speech, physical and occupational therapy (where deemed to be appropriate), transportation to and from the center and parent counseling.

History: 1. Amendment filed 7-3-68; effective thirtieth day thereafter (Register 68, No. 25).

8105. Records and Reports. (a) Records of the operation and administration of development centers shall be kept and such reports made as shall be required by the Superintendent of Public Instruction.

(b) Individual case records shall be kept for all children placed in development centers. Records so procured shall be confidential except that the governing board of the district shall, upon request, make such records available to the State Department of Education, and may make such records available under any circumstance and to any person specified in Education Code Section 10751.

8106. Disposition of Records. Records required by this article to be kept are subject to transfer and destruction in accordance with Subchapter 10 of Chapter 1 of this title.

8107. Emergency Communication. There shall be a telephone in each building housing a development center and additional telephones or extensions as necessary to summon help promptly in case of fire or other emergency.

History: 1. New section filed 9-1-67; effective thirtieth day thereafter (Register 67, No. 35).
2. Repealer of section 8107 and renumbering of section 8108 to 8107 filed 7-3-68; effective thirtieth day thereafter (Register 68, No. 25).

8108. Facilities. (a) Each existing facility housing minors enrolled in a development center shall provide a minimum of 60 square feet of classroom area for each child served exclusive of toilet and storage areas. No room or rooms shall be approved of dimensions less than a total of 600 square feet of classroom area exclusive of toilet and storage areas.

No more than one class unit shall be housed in any one classroom regardless of size unless appropriately partitioned.

(b) At any given time, there shall be available a minimum of 75 square feet per child of usable outdoor activity area exclusive of that area occupied by outdoor stationary play equipment.

(c) Toileting and washing facilities including soap and individual towels (paper acceptable) shall be provided in reasonable ratio according to the number, type, and sex of the handicapped minors served and personnel of the center. In no event shall there be less than one water closet and one washbasin for each six handicapped minors, one tub or free standing shower for each 20 handicapped minors and two water closets and two washbasins for each 10 adult employees.

(d) There shall be adequate facilities for the handling and serving of food for handicapped minors attending the center.

No center shall provide services in a facility at variance with the standards set forth in this section unless prior approval is obtained from the State Superintendent of Public Instruction.

History: 1. New section filed 7-3-68; effective thirtieth day thereafter (Register 68, No. 25).

8120. Personnel. (a) The governing board of a school district or county superintendent maintaining a development center shall employ for each center a supervisory head teacher, instructional personnel who posses valid permits described in this article, and matrons or aides as necessary to fulfill the requirements of this chapter.

(b) Minors enrolled in a development center shall at all times be under the direct supervision of one or more persons as specified in (a).

(c) Each class unit shall have at least one credentialed or permit teacher and one matron or aide. It is recommended that development center staffs include representation from both sexes when providing services for handicapped minors between 14 and 21 years of age.

History: 1. Amendment of subsection (c) filed 7-3-68; effective thirtieth day thereafter (Register 68, No. 25). For prior history, see Register 67, No. 35.

8121. Character Requirement. Every applicant for a permit authorizing service in a development center, or for the renewal thereof, shall be of good moral character and upon demand shall submit to the development center permit committee satisfactory evidence thereof.

8122. Application Procedure and Date of Issuance of Permit. Each applicant for a permit or provisional permit authorizing service in a development center, or for the renewal thereof, shall submit an application in the manner provided in Section 7932. All of the provisions of Section 7932 shall apply, except that for the purposes of this section reference in Section 7932 to "children's center" or "permit committee" shall mean, respectively, development center and the development center permit committee.

The date of issuance shall be as provided in Section 7932.

8123. Supervising Head Teacher Permit. (a) **Requirements.** A holder of a valid credential listed in (1), (2) or (3) of this section and filed with the county superintendent of schools as provided in Education Code Section 16645.18 is deemed to hold a supervising head teacher permit.

(1) Standard teaching credential with a specialization in elementary, secondary, or junior college teaching issued on the basis of substitution of specialized preparation to serve as a teacher of exceptional children in lieu of a minor.

(2) Any of the following "prior credentials".

(A) Credential to Teach Exceptional Children (issued under former Sections 391–394, inclusive, after September 15, 1957).

(B) Special Secondary Credential for Teaching the Blind.

(C) Special Secondary Credential for Teaching the Deaf.

(D) Special Secondary Credential for Teaching Lip Reading to the Hard of Hearing Child.

(E) Special Secondary Credential for Teaching the Partially-Sighted Child.

(F) Special Secondary Credential in Correction of Speech Defects.

(3) A restricted credential designating service within one of the following areas of specialization:

(A) Teacher of deaf and severely hard of hearing children.

(B) Teacher of educable mentally retarded children.

(C) Teacher of trainable mentally retarded minors.

(D) Teacher of orthopedically handicapped children, including the cerebral palsied.

(E) Teacher of visually handicapped children.

(F) Speech and hearing specialist.

(b) **Authorization.** The supervising head teacher permit authorizes the holder to supervise the program of instruction, guidance, and care of children in a development center, and to serve in the instruction, guidance, and care of such children.

NOTE: Authority cited: Section 16645.14, Education Code.

History: 1. Amendment of subsection (a) filed 2-16-68 as an emergency; effective upon filing (Register 68, No. 7).

2. Certificate of Compliance—Section 11422.1, Government Code, filed 4-1-68 (Register 68, No. 14).

8124. Development Center Instructional Permit. (a) **Requirements.**

(1) The holder of either of the following documents filed with the office of the county superintendent of schools as provided in Education Code Section 16645.18 is deemed to hold a development center instructional permit.

(A) A credential that requires or required the eight semester hours specified in (2) and authorizes service as a teacher in California.

(B) A valid children's center permit of any kind issued for service in California.

(2) Except as provided in (c) or (d), an applicant for a development center instructional permit shall have completed sixty semester units of course work, as defined in Section 6102(i), with a selection of eight semester hours from the following fields: specialized preparation to serve as a teacher of exceptional children, nursery education, early childhood education, or child development. The prescribed eight semester hours may be taken by correspondence courses offered by any college or university in California accredited by the State Board of Education for teacher education purposes.

(b) **Term and Renewal.** The permit shall be valid for two years. It may be renewed for the life of the holder upon verification by the chief administrative officer of the employing school agency of a minimum of a year of successful experience under the permit in a development center within the two years immediately preceding the application.

(c) **Issuance on Postponement of Requirements.** The permit may be issued once on the basis of postponement of requirements to an applicant who has completed 60 units of acceptable college course work. A permit so issued shall be valid for a two-year period and may be renewed once for a two-year period upon verification of the completion of four of the eight semester units required in (b), and upon verification by the chief administrative officer of the employing school agency of a minimum of 6 months of successful experience in a development center within the two years immediately preceding the application.

(d) **Authorization.** A development center instructional permit authorizes the instruction, guidance, and care of children in a development center.

8125. Provisional Development Center Instructional Permit. (a) **Requirements.** An applicant for a provisional permit shall meet both of the following requirements:

(1) Verification of *one* of the following:

(A) Completion of 30 semester units of course work, as defined in Section 6102(i).

(B) Verification by an accredited college, university or junior college that the applicant is enrolled in a program leading to a degree granted by the institution.

(2) Submission of a statement signed by the chief administrative officer of the employing school agency that the governing board of such agency will employ the applicant for service under the permit if granted.

(b) **Term and Renewal.** The permit shall be valid for two years, and may be renewed for successive two-year periods upon completion of *all* of the following:

(1) Six months of successful experience under the permit in a development center during the term of the permit to be renewed, as verified by the chief administrative officer of the employing school agency.

(2) Four semester units of course work, as defined in Section 6102(i), completed during the term of the permit to be renewed.

(c) **Authorization.** A provisional development center instructional permit authorizes the same service as a development center instructional permit.

8126. Denial, Suspension and Revocation of Development Center Permits. The provisions of Sections 7942 to 7946, inclusive, shall apply to development center permits, except that for the purposes of this section, reference in those sections to "children's center" or "permit committee" shall mean, respectively, a development center and the development center permit committee.

868.2. Schooling. Persons of school age who are capable of profiting from instruction shall be educated through the public school system or in other ways legally approved and where the handicap or the person's adjustment to the handicap can be improved by training, a definite program to accomplish the same shall be carried out.

2890. Confidential Nature of Crippled Children's Records. All information as to personal facts and circumstances obtained by the state or local staff administering the program shall constitute privileged communication, shall be held confidential and shall not be divulged without the individual's consent except as may be necessary to provide services to individual mothers and children: Provided, that information may be disclosed in summary, statistical, or other form which does not identify individuals.

NOTE: Authority cited: Sections 208, 249, 268, and 271, Health and Safety Code.

History: 1. New section filed 6-22-50 as an emergency; effective upon filing (Register 20, No. 6). For history of Group 1, see note to §2900.

2900. Case Finding and Reporting. The county shall conduct an active and continuous program of case finding[1] of all persons under 21 years of age who are suffering from handicapping conditions.[2] This function may be carried out by physicians and health and welfare agencies, public and voluntary. All cases in need of crippled children services shall be referred to the local agency within the county which is administratively responsible for the program.

NOTE: Authority cited for §§2900 to 2904, inclusive: Sections 208 and 249, Health and Safety Code.

History: 1. New Group 1 (§§2900 to 2904, inclusive) filed 12-28-45; effective thirtieth day thereafter (Register 3).
2. Sections renumbered 2900 to 2905, inclusive, and new Section 2901 filed 3-4-47; effective thirtieth day thereafter (Register 7).
3. Amended Group 1 (§§2900 to 2905, inclusive) filed 2-8-52; effective thirtieth day thereafter (Register 27, No. 3).

2901. Definition. A physically handicapped child is a person under 21 years of age who has physical defects resulting from congenital anomalies or acquired through disease, accident, or faulty development. The following conditions are acceptable:

(1) Defects of an orthopedic nature, due to infection, injury or congenital malformation.
(2) Defects requiring plastic reconstruction.
(3) Defects requiring orthodontic reconstruction.
(4) Eye conditions leading to loss of vision. (Ordinary refractive errors are excluded).
(5) Ear conditions leading to loss of hearing.
(6) Rheumatic or congenital heart disease.
(7) Other disabling or disfiguring deformities.

History: 1. Amendment filed 9-18-52; effective thirtieth day thereafter (Register 29, No. 6).

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[1] Health and Safety Code, Section 252.
[2] Ibid., Section 250.

2902. Records and Reports. Adequate service records and administrative indexes shall be maintained and required reports of services rendered and the costs thereof shall be submitted to the State Department of Public Health by the agency administratively responsible for the program.

In counties with more than one organized health department, it is recommended that such records be maintained by the agency which is administratively responsible for the program and that such duplicate records be developed in other health departments as are necessary for effective services to handicapped children.

2903. Diagnostic Services. Diagnostic services shall be readily available to all handicapped children in the county.

Personnel. Physicians rendering diagnostic services shall be specialists who are certified by their respective specialty boards, except that physicians eligible by training for the certifying examinations may be allowed three years in which to complete the final certification, or the Director of Public Health may upon the recommendation of an Advisory Credentials Committee, determine that an applicant physician possesses equivalent qualifications and may be permitted to participate as a physician specialist in the Crippled Children's program. A Credentials Committee composed of ten American Board certified specialists of outstanding professional and personal character shall be appointed by the Director with approval of the State Board of Public Health to review and advise upon the training, experience and professional ability of applicant physician specialists. This Committee shall convene for this purpose at least semiannually. Committee members will serve without compensation but shall be reimbursed for all expenses incidental to the performance of their responsibilities. This limitation does not apply to physicians on the panel as of the effective date of this regulation.

Facilities. Diagnostic services may be rendered in clinics conducted at regular intervals commensurate with the case load, or through the use of individual examinations, or a combination of both.

Records. Records indicating medical diagnosis and plans for treatment shall be kept for each patient.

Eligibility. Diagnostic services shall be available to all handicapped children in the county.

NOTE: Additional authority cited: Section 1509, Health and Safety Code.

History: 1. Amendment filed 12-8-55; effective thirtieth day thereafter (Register 55, No. 18).
2. Amendment filed 2-9-67; effective thirtieth day thereafter (Register 67, No. 6).

2904. Treatment. Treatment meeting standards as outlined below shall be provided for all handicapped children who are eligible.

Personnel. Medical treatment shall be rendered by physicians who are certified by their respective specialty boards, except when in the opinion of the specialists, treatment may be delegated or shared with the family physician. Physicians who are not certified but who are eligible by training for the certifying examination may participate in the program for not more than three years. The Director of Public Health may determine that an applicant physician possesses equivalent qualifications and may be permitted to participate as a physician specialist in accordance with the provisions of Section 2903. This limitation does not apply to physicians on the panel as of the effective date of this regulation.

Facilities. Hospital care shall be provided in institutions licensed by the State Board of Public Health after January 1, 1946, or in county hospitals meeting equivalent standards.

Separate facilities for the exclusive use of children under fourteen years of age shall be provided. Facilities for infants shall be separate from those of older children.

Proper isolation facilities shall be provided for children who develop communicable diseases.

The supervisor or head nurse of the facility where crippled children are cared for shall have had postgraduate training or experience in pediatric nursing.

There shall be sufficient staff to provide adequate nursing care. It is recommended that an average of 5.5 hours of nursing care per patient for infants and 4.3 hours for older children be provided during each 24 hours.

Clinical laboratories shall meet the standards outlined in the Business and Professions Code.[1]

Dietary service shall provide for the adequate nutrition of children.

Hospitals treating orthopedic cases shall provide physiotherapy personnel and equipment adequate to carry out the recommended treatment.

Hospitals providing long-time care to handicapped children shall offer adequate educational and occupational therapy services.

It is desirable that medical social services by qualified personnel be available.

Where hospital care is required for certain limited or specialized types of cases, hospitals which do not meet all of the above requirements may be used, provided it has been determined by the State Department of Health that the hospital can provide adequate services to meet the special need.

Eligibility. Treatment plans within the program shall be developed for:

(1) Children whose parents or legal guardians cannot finance any part of the costs of the necessary care;

(2) Children whose parents or guardians are able to finance a part of the costs of the necessary care.

Since the greatest need for assistance is found among the marginal groups who cannot afford the full costs of private care and are ineligible for completely free care, part-pay plans are necessary.

When requested, families who are able to finance care privately, should be given advice in developing adequate treatment plans.

History: 1. Amendment filed 12-8-55; effective thirtieth day thereafter (Register 55, No. 18).
2. Amendment filed 2-9-67; effective thirtieth day thereafter (Register 67, No. 6).

2905. After-care Services. The county shall provide the necessary after-care services for handicapped children as the attending specialist may direct. Health supervision in the home is the joint responsibility of the family physician, public health nurses, and such community agencies as are properly concerned.

Social services shall be made available either through qualified medical social workers, child welfare workers or through such other social service workers as may be available in the county. The schools shall meet the special educational needs of handicapped children.

History: 1. Amendment filed 4-29-53; effective thirtieth day thereafter (Register 53, No. 8).

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[1] Business and Professions Code, Div. 2, Ch. 3.

2906. Authorization for Services. All services purchased for handicapped children shall be authorized by the State Department of Public Health or the local administering agency prior to the time service is provided and a record of such authorizations shall be retained as part of the individual's case record in the administering agency.

Authorization for services provided during the hours when the offices of the administering agency are closed may be issued retroactively provided that

(1) the child meets the eligibility requirements of the program and

(2) the administering agency is notified by the physician, hospital, or other provider of service during the first day the agency's offices are open following the time the service was provided.

NOTE: Authority cited: Sections 102 and 208, Health and Safety Code, Reference: Art. 2, Ch. 2, Pt. 1, Div. 1, Health and Safety Code.

History: 1. New section filed 10-3-63; effective thirtieth day thereafter (Register 63, No. 17).

2950. Qualifications. The qualifications required for a certificate of registration as school audiometrist shall be as follows:

(a) Satisfactory completion of a course in audiometry at an accredited university or college. After July, 1966 such a course must include a minimum of six semester hours, or equivalent. If the applicant completed the course in audiometry more than five years prior to the date of application, he must have had at least one year of experience in the interim in the administration of hearing tests of school children in the public or parochial schools, or other tax maintained institutions in this state.

(b) Two years of substantial and responsible experience in the administration of hearing tests of school children under the supervision of a certificated school audiometrist in the public or parochial schools, or other tax maintained institutions in this state within five years preceding the date of application; or after July 1, 1966 partial fulfillment of the training requirements by satisfactory completion of a minimum of three semester hours, or equivalent, in a course in audiometry at an accredited university or college, shall qualify for a certificate with postponement of requirements. The certificate referred to in this subsection (b) shall be issued for a period not to exceed three years and shall not be renewable. Any person holding a certificate pursuant to this subsection must, on its expiration, meet the qualifications set forth in subsection (a) for registration as a school audiometrist.

(c) For purposes of this section accreditation of colleges or universities is by one of the following accrediting associations.

(1) New England Association of Colleges and Secondary Schools.

(2) Middle States Association of Colleges and Secondary Schools.

(3) North Central Association of Colleges and Secondary Schools.

(4) Northwest Association of Secondary and Higher Schools.

(5) Southern Association of Colleges and Secondary Schools.

(6) Western College Association.

(d) Applicant must submit evidence that he has no physical handicap which will interfere with the performance of his duties.

(e) All applications for the certificate of registration as school audiometrist shall be filed in the office of the State Department of Public Health.

(f) A registration fee of $3 shall accompany each application.

NOTE: Authority cited: Sections 102 and 208, Health and Safety Code. Reference: Sections 1685 and 1686, Health and Safety Code, and Sections 11903 and 13300, Education Code.

History: 1. New section filed 10-20-45 (Register 3).
2. Amendment filed 9-28-49 (Register 18, No. 1).
3. Amendment filed 7-30-64; effective thirtieth day thereafter (Register 64, No. 16).
4. Amendment filed 7-1-66; effective thirtieth day thereafter (Register 66, No. 20).

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